

SUMMARY and FISCAL NOTE*

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** 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

- a. Legislation Title:** AN ORDINANCE relating to civilian oversight of the police; adding a new Chapter 3.29 to the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII, and IX of Chapter 3.28 of the SMC as Subchapters I, II, and III of Chapter 3.29; and repealing Sections 3.28.805, 3.28.815, 3.28.820, 3.28.910, and 3.28.920 of the SMC.
- b. Summary and background of the Legislation:**

This legislation establishes a comprehensive, independent and sustained approach to civilian oversight of SPD. This legislation creates the authority necessary for that oversight to be as effective as possible. Civilian oversight of SPD shall be comprised of three key elements:

- 1) An Office of Police Accountability (OPA) to handle complaints of misconduct;
- 2) An Office of Inspector General (OIG) to provide systemic oversight of the management, practices and policies of SPD and OPA; and
- 3) A Community Police Commission (CPC) to provide community input to ensure that police services are delivered in a lawful and nondiscriminatory manner and are aligned with community values and expectations.

In order to accomplish these three key elements, this legislation repeals the existing portion of the Seattle Municipal Code (SMC) pertaining to OPA and the CPC and adds a new chapter 3.29 to the SMC establishing the three elements of police accountability.

Accompanying legislation, Council Bill [REDACTED] appropriates the budget and creates the position authority necessary for the Office of the Inspector General.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project?** ___ Yes ___ **X** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget?** ___ Yes ___ **X** No

The legislation does not amend the 2017 Adopted Budget. Accompanying legislation, Council Bill [REDACTED] does amend the 2017 Adopted Budget. Please see accompanying legislation and fiscal note for details.

b. 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?

The legislation has long-term financial impacts to the City that are not reflected above including:

- Office of Inspector General:
 - Council Bill [REDACTED] establishes the budget control level (BCL) for the Office of the Inspector General and amends the 2017 Budget to appropriate funds to that BCL. Council Bill [REDACTED] transfers \$354,300 from Finance General Reserves to the OIG BCL. The on-going cost of the positions added in Council Bill [REDACTED] is estimated to be \$700,000.
 - Additionally, establishment of the OIG will require funding for office space and tenant improvements to establish the physical office space. The funding for related tenant improvements is included in 2017 carryforward appropriations in the Department of Finance and Administrative City Hall and Seattle Municipal Tower Tenant Improvements A1GM118.
- Office of Police Accountability:
 - The legislation describes that within 18 months of the ordinance introduced as Council Bill [REDACTED] going into effect, all OPA investigative supervisors will be civilian. There will be a cost to adding these two (2.0 FTE) civilian supervisors to OPA. As the timing of this change and the classification of the positions is currently unknown, appropriation and position authority for the positions will be presented to Council in a future ordinance. The cost of replacing these two sworn positions with civilians is estimated in the range of \$300,00-\$350,000 (in 2017 dollars).
 - The legislation describes that within 12 months of the ordinance introduced as Council Bill [REDACTED] going into effect, intake and investigator personnel shall be entirely civilian or a mix of civilian and sworn. There will be a cost to adding civilian investigators to OPA. As the timing of this change, classification of the position(s) and number of positions to be civilianized are currently unknown, appropriation and position authority for the position(s) will be presented to Council in a future ordinance. The mid-range cost for each current (sworn) investigator is approximately \$140,000 annually (in 2017 dollars).
 - In the 2015 Adopted Budget, OPA received \$130,000 of funding for one civilian intake position. No position authority was provided at the time due to on-going negotiations. As the timing of negotiations is currently unknown, position authority to accompany this previously appropriated funding will be presented to Council in a future ordinance.
- Community Police Commission:
 - There are no long-term budget implications for the Community Police Commission; the 2017 budget for the CPC is \$880,000. This funding level will continue into the future, with appropriate adjustments for

inflation, etc. To date, the CPC has consistently underspent its annual appropriations by approximately 20%, so although the activities of the CPC may expand going forward current funding levels should be sufficient to meet the Commission's needs.

- Law Department:
 - The legislation contemplates that the City Attorney's Office may handle public disclosure requests made for OPA records. As the workload and timing of this need are currently unknown, a request for appropriation and/or position authority will be presented to Council in the future ordinance.
- Seattle Department of Human Resources:
 - The legislation describes that the Seattle Department of Human Resources (SDHR) will be responsible for obtaining an outside law enforcement agency to perform a thorough background check of nominees for OPA Director. The cost and timing of this backgrounding process is currently unknown.
- Seattle Police Department:
 - The legislation describes that the Seattle Police Department (SPD) will establish an internal office, staffed by civilians to manage the secondary employment of its employees. As the workload, potential technology solutions, and staff needs are currently unknown, any necessary position authority and/or funding will be presented to Council in a future ordinance.

c. Is there financial cost or other impacts of *not* implementing the legislation?

The legislation replaces the OPA Auditor and Police Intelligence Auditor functions with the Office of the Inspector General; should the legislation not be implemented, costs would need to be incurred to continue funding the OPA Auditor role (approximately \$185,000 annually).

Both the Seattle Police Monitoring Team and U.S. District Court Judge Robart have expressed unfettered support for a comprehensive civilian oversight system. Failure to adopt the legislation may create challenges for reaching compliance with the Settlement Agreement.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The legislation impacts the Office the Inspector General, Seattle Police Department, Community Police Commission, Law Department and Seattle Department of Human Resources.

b. Is a public hearing required for this legislation?

No public hearing is required for this legislation.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No property is involved with this legislation.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of notice is required for this legislation.

e. Does this legislation affect a piece of property?

This legislation does not impact any property.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

On July 27, 2012, the DOJ and the City of Seattle entered into a Settlement Agreement (Agreement) and Memorandum of Understanding (MOU) filed with the United States District Court: Western District of Washington, related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States. Since 2012, the Seattle Police Department has been undergoing systemic change to ensure all police services are delivered in a manner consistent with the Constitution and laws of the United States. This legislation builds on the progress made under the Settlement Agreement and it is now the City of Seattle's intent to ensure by law rather than solely by policy or directive a comprehensive, independent, and sustained approach to civilian oversight of the Seattle Police Department.

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).

- Office of Police Accountability: The goal of OPA is to help ensure the actions of SPD employees are constitutional; improve SPD compliance with federal, state, local laws, and with City and SPD policies; and to promote respectful and effective policing that is conducive to the public good. The legislation outlines OPA reporting requirements for timely and accessible information regarding OPA investigations is detailed in the legislation.
- Office of the Inspector General: OIG shall provide an independent perspective on the efficacy of the policies, procedures, and practices of SPD, OPA, and related City departments and agencies. OIG shall also provide additional professional review of OPA investigations. The legislation outlines OIG reporting requirements, including quarterly reports to the Mayor, City Council and CPC,

timely publication of OIG audits and studies and an annual public report.

- Community Police Commission: The CPC will provide the public with meaningful participatory oversight of SPD policies and practices of particular significance to the public or affecting public trust in with the goal that police services are delivered in a lawful and nondiscriminatory manner and are in alignment with the values and expectations of the community. Reporting requirements for the CPC are outlined in the legislation and include an annual report to the Mayor, City Attorney, City Council, Chief of Police, OPA Director and Inspector General, as well as to the City Clerk for filing as a public record.

h. Other Issues:

List attachments/exhibits below: