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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

COUNCIL BILL 118907

..title

AN ORDINANCE relating to civilian and community 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.

..body

WHEREAS, The City of Seattle has a long history of police reform, with blue ribbon panels dating back to the 1990s and the creation of various oversight entities such as the Office of Professional Accountability (OPA), OPA Review Board, and OPA Auditor, but accountable policing is an elusive goal as evidenced by events in more recent history involving allegations of unconstitutional use of force and biased policing, including the death in 2010 of First Nations woodcarver John T. Williams and other episodes that led the community to call for a federal investigation into the policing practices of the Seattle Police Department (SPD); and

WHEREAS, The City of Seattle has been operating under a federal consent decree since 2012, but also separately recognizes the need to have effective, constitutional policing and a police department that has the trust, respect, and support of the community; and

WHEREAS, Councilmember M. Lorena González as Chair of the Gender Equity, Safe Communities, and New Americans Committee in early 2017 led a series of study missions accompanied by Committee Vice-Chair Tim Burgess, the Community Police Commission, Mayor’s Office, and City Council staff to the cities of New York, Los Angeles, and New Orleans, to learn about their inspector general systems and community engagement on police oversight; and

1 WHEREAS, Charter Amendment 19, providing for geographic representation based on seven  
2 neighborhood districts, was approved by nearly 66 percent of Seattle voters in the fall of  
3 2013 to ensure that Seattle, as a growing major metropolitan area, has a governance  
4 structure that reflects a commitment to geographic inclusion and that all areas of the city  
5 have an identifiable representative; and

6 WHEREAS, district representation is a fundamental feature of representative democracy, and  
7 has been a basic building block of local, state and national governments throughout the  
8 United States including all 50 state legislatures and, including the U.S. House of  
9 Representatives for over 200 years; and

10 WHEREAS, most large U.S. cities like Seattle which is 143 square miles and home to over  
11 680,000 residents are represented by districts to ensure geographic representation to  
12 recognize the right of all residents to have a voice in their governance; and

13 WHEREAS, the Community Police Commission was created by federal consent decree in 2012  
14 with the intent to show geographic representation as a body that is “representative of the  
15 many and diverse communities in Seattle, including members from each precinct of the  
16 city...” (Memorandum of Understanding between the United States and The City of  
17 Seattle, dated July 27, 2012); and

18 WHEREAS, a Commission charged with significant oversight function and one that is intended  
19 to serve as a community voice for the entire City should include voices from all corners  
20 of the City selected in an orderly manner so that no geographic area is left out and that all  
21 parts of the City share responsibility for their governance; and

22 WHEREAS, the United States Supreme Court has repeatedly ruled in favor of adequate, orderly,  
23 geographically-based representation to ensure the strength of our democracy including

1 the most recent *Evenwel et al v. Abbott, Governor of Texas*, 578 U.S. \_\_\_\_ (2016), with  
2 the opinion authored by Justice Ruth Bader Ginsburg, which upheld the one-person, one-  
3 vote principle ensuring jurisdictions must design districts based on total population and  
4 that all people regardless of current voting registration status are entitled to equal  
5 representation; and

6 WHEREAS, while many jurisdictions across the country are under consent decrees or otherwise  
7 wrestling with the question of how best to have effective oversight of police that hears  
8 the voice of the community served by the police, The City of Seattle has an opportunity  
9 to take the lessons it has learned from other jurisdictions and from its own history to  
10 establish a community-focused oversight system that can serve as a model for other  
11 jurisdictions; NOW, THEREFORE,

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

13 Section 1. The City Council (“Council”) makes the following findings of fact and  
14 declarations:

15 A. The history of police reform efforts in Seattle dates back decades, including, for  
16 example, 1988 grant-funded work by the Seattle Police Department (SPD) to implement  
17 community policing that was held up as a model partnership between the community and police  
18 by the National Institute of Justice in 1992, a 1999 blue-ribbon commission that recommended  
19 the creation of the Office of Professional Accountability which was then started in 2000, and  
20 other blue ribbon, task force, and reform efforts that made legitimate progress in their times yet  
21 still could not achieve a lasting police culture that would keep the trust of the people of Seattle.

22 B. On December 2, 2010, 35 civil rights and community-based organizations requested  
23 that the Civil Rights Division of the United States Department of Justice investigate whether

1 SPD had engaged in a pattern or practice of violations of civil rights by using unnecessary and  
2 excessive force against residents, citing a series of incidents over the previous 18 months,  
3 particularly against persons of color, including a death from a police shooting.

4 C. In 2011, the Department of Justice began an investigation of SPD and, based on its  
5 investigation, initiated a lawsuit against The City of Seattle, *United States of America v. City of*  
6 *Seattle*, 12 Civ. 1282 (JLR), in the United States District Court for the Western District of  
7 Washington (“federal court”).

8 D. The federal court found that the City and SPD fully cooperated with the investigation  
9 (Document 5, Stipulation and Joint Findings of Fact and Conclusions of Law, filed August 17,  
10 2012).

11 E. The City of Seattle entered into a Settlement Agreement and Memorandum of  
12 Understanding (collectively, “consent decree”) with the Department of Justice which the Court  
13 approved on September 21, 2012.

14 F. From 2014 to 2016, multiple police-involved deaths of African Americans across the  
15 nation achieved significant national attention and raised community concerns to a new level. In  
16 a national climate of tense relations between the public and police, under the leadership of Mayor  
17 Murray and the Seattle City Council, the importance of building an effective police oversight  
18 system with a sustainable community role has taken on new urgency.

19 G. In January, 2016, Seattle Police Chief Kathleen O’Toole was invited to sit with the  
20 First Lady during President Obama’s final State of the Union address, chosen for what the White  
21 House described as her nationally recognized efforts to change Department policies and build  
22 community ties.

1 H. It is the goal of this ordinance to institute a lasting police oversight system that  
2 ensures that police services are delivered to the people of Seattle in a manner that fully complies  
3 with the Constitution and laws of the United States and State of Washington, effectively ensures  
4 public and officer safety, and promotes public confidence in the Seattle Police Department and  
5 the services that it delivers.

6 Section 2. Section 3.28.805 of the Seattle Municipal Code, last amended by Ordinance  
7 122744, is repealed:

8 ~~((3.28.805 Definitions.~~

9 A. ~~“OPA complaint” refers to a complaint assigned to the Office of Professional  
10 Accountability for investigation.~~

11 B. ~~“OPA investigation” and “complaint investigation” refer to an investigation of an  
12 OPA complaint conducted by the Office of Professional Accountability.))~~

13 Section 3. Section 3.28.815 of the Seattle Municipal Code, last amended by Ordinance  
14 120728, is repealed:

15 ~~((3.28.815 OPA Deputy Director.~~

16 ~~The Chief of Police shall, with a recommendation from the OPA Director, appoint the  
17 OPA Deputy Director from among the sworn Captain ranks of the Seattle Police Department.~~

18 ~~The OPA Deputy Director, as overseen by the Director, shall oversee the day to day  
19 management of the OPA investigative process, employing the best and most effective OPA  
20 investigations practices.))~~

21 Section 4. Section 3.28.820 of the Seattle Municipal Code, last amended by Ordinance  
22 120728, is repealed:

23 ~~((3.28.820 OPA procedures manual.~~

1       ~~The Police Department shall produce an OPA procedures manual, which shall include~~  
2 ~~instructions for filing a complaint with OPA, and which shall be made available to members of~~  
3 ~~the public, as well as Police Department personnel.))~~

4           Section 5. Section 3.28.910 of the Seattle Municipal Code, last amended by Ordinance  
5 122744, is repealed:

6 ~~**((3.28.910 OPA Review Board Responsibility.**~~

7           ~~A.——The OPA Review Board shall review the OPA’s complaint handling process.~~  
8 ~~Based on its review of OPA complaint forms and files on closed OPA complaints, and on the~~  
9 ~~Review Board’s public outreach and research on best practices, the Review Board shall assess~~  
10 ~~the apparent fairness, thoroughness and timeliness of the OPA complaint handling process as a~~  
11 ~~whole. The Review Board shall not comment on the discipline of any officer or lack thereof, or~~  
12 ~~on the liability of anyone involved in a specific complaint. The Review Board shall present its~~  
13 ~~assessments of the OPA’s complaint handling process in semiannual reports to the City. These~~  
14 ~~reports shall include a general description of the OPA files and records reviewed.~~

15           ~~B.——The OPA Review Board shall organize and conduct public outreach on behalf of~~  
16 ~~itself, the OPA and the OPA Auditor. The Review Board shall solicit public comments on the~~  
17 ~~fairness, thoroughness and timeliness of the OPA complaint handling process and on the~~  
18 ~~professional conduct of Seattle police officers. The Review Board shall invite the OPA, OPA~~  
19 ~~Auditor and Police Department to participate in its outreach efforts.~~

20           ~~C.——The OPA Review Board shall advise the City on Police Department policies and~~  
21 ~~practices related to police accountability and professional conduct. The Review Board shall base~~  
22 ~~its recommendations on its review of the OPA complaint handling process and of the OPA~~  
23 ~~Director’s and OPA Auditor’s reports, on any public comments it has received, and on its own~~

1 ~~research on national trends and best practices in police accountability and civilian oversight of~~  
2 ~~law enforcement. The Review Board shall present its recommendations in its semiannual reports.~~

3 ~~D. The OPA Review Board shall recommend to the OPA Auditor topics for the~~  
4 ~~Auditor’s review of Police Department policies and practices related to police accountability and~~  
5 ~~professional conduct.~~

6 ~~E. The OPA Review Board shall submit its semiannual reports to the City Council,~~  
7 ~~Mayor, Chief of Police, City Attorney and City Clerk.)~~

8 Section 6. Section 3.28.920 of the Seattle Municipal Code, last amended by Ordinance  
9 122126, is repealed:

10 ~~**(3.28.920 Access to and confidentiality of files and records.**~~

11 ~~A. For the purpose of reviewing the OPA complaint handling process, the OPA~~  
12 ~~Review Board shall have access to unredacted complaint forms of all OPA complaints and~~  
13 ~~unredacted files of all closed OPA investigations, except for information the OPA would be~~  
14 ~~required to withhold from persons not members of criminal justice agencies pursuant to the~~  
15 ~~Criminal Records Privacy Act (Chapter 10.97 RCW) as it now exists and may hereafter be~~  
16 ~~amended. The OPA Review Board shall have access to summary information necessary for its~~  
17 ~~reporting obligations as set forth in Section 3.28.910 of this chapter.~~

18 ~~B. In discharging their responsibilities, OPA Review Board members shall protect~~  
19 ~~the confidentiality of Department files to which they have been provided access. OPA Review~~  
20 ~~Board members shall not disclose information in these Department files and records except in the~~  
21 ~~reports required by ordinance. OPA Review Board reports shall not contain identifying~~  
22 ~~information about anyone involved in an OPA complaint or OPA investigation other than the~~  
23 ~~OPA Director. “Identifying information” is defined as name, badge number, physical~~

1 ~~description, address, telephone number, email address, photographs or drawings, or any other~~  
2 ~~unique identifying numbers such as driver's license, employee, vehicle or social security~~  
3 ~~numbers. In the event of a public disclosure request pursuant to the Public Disclosure Act (RCW~~  
4 ~~42.17.250 et seq.), the OPA Review Board shall not disclose any information contained in OPA~~  
5 ~~complaint forms or in files on closed OPA investigations, and shall transmit all such requests to~~  
6 ~~the OPA Director for response.~~

7 ~~C. Indemnification and defense of OPA Review Board members is governed by~~  
8 ~~Chapter 4.64 SMC. It is outside the scope of OPA Review Board members' assignments to~~  
9 ~~disclose information in Department files and records other than as allowed in subsection B of~~  
10 ~~this section.))~~

11 Section 7. A new Chapter 3.29 is added to the Seattle Municipal Code as follows:

12 **Chapter 3.29 CIVILIAN AND COMMUNITY OVERSIGHT OF POLICE**

13 **3.29.005 Purpose—Enhancing and sustaining effective police oversight**

14 A. The police are granted extraordinary power to maintain the public peace, including  
15 the power of arrest and statutory authority under RCW 9A.16.040 to use deadly force in the  
16 performance of their duties under specific circumstances. Public trust in the appropriate use of  
17 those powers is bolstered by having a police oversight system that reflects community input and  
18 values.

19 It is The City of Seattle's intent to ensure by law a comprehensive and sustainable  
20 approach to independent oversight of the Seattle Police Department (SPD) that enhances the  
21 trust and confidence of the community, and that builds an effective police department that  
22 respects the civil and constitutional rights of the people of Seattle. The purpose of this Chapter  
23 3.29 is to provide the authority necessary for that oversight to be as effective as possible.



1           B. Oversight of SPD shall be comprised of an Office of Police Accountability (OPA) to  
2 help ensure the actions of SPD employees are constitutional and in compliance with federal,  
3 state, local laws, and with City and SPD policies, and to promote respectful and effective  
4 policing that is conducive to the public good, by initiating, receiving, classifying, investigating,  
5 and making findings related to complaints of misconduct; an Office of Inspector General for  
6 Public Safety (OIG) to help ensure the fairness and integrity of the police system as a whole in  
7 its delivery of law enforcement services by providing civilian auditing of the management,  
8 practices, and policies of SPD and OPA and oversee ongoing fidelity to organizational reforms  
9 implemented pursuant to the goals of the 2012 federal Consent Decree in *United States of*  
10 *America v. City of Seattle*, 12 Civ. 1282 (JLR); and a Community Police Commission (CPC) to  
11 help ensure public confidence in the effectiveness and professionalism of SPD and the  
12 responsiveness of the police accountability system to public concerns by engaging the  
13 community to develop recommendations on the police accountability system and provide a  
14 community-based perspective on law enforcement-related policies, practices, and services  
15 affecting public trust; all for the purpose of ensuring constitutional, accountable, effective, and  
16 respectful policing.

17           C. An accountability system requires a strong, effective Chief of Police (Chief) to  
18 implement oversight recommendations and to create the culture change from within the police  
19 department that is necessary to support lasting reform. The Chief by City Charter is “the chief  
20 peace officer of the City, and...shall maintain the peace and quiet of the City.” The City Charter  
21 also dictates that the Chief manages SPD and prescribes the Department’s rules and regulations,  
22 consistent with law. In performing those duties, the Chief is responsible and accountable to the  
23 Mayor and City Council for the administration and management of SPD and is the final decision-

1 maker, subject to appeal rights, in all matters related to misconduct, including discipline.

2 Nothing in this Chapter 3.29 shall be interpreted or applied so as to limit or restrict the  
3 responsibilities of the Chief under the City Charter.

#### 4 **3.29.007 Definitions**

5 As used in this Chapter 3.29:

6 “Budget Control Level” means the level at which expenditures are controlled to meet  
7 state and City budget law provisions.

8 “Chief” means the Chief of Police.

9 “CPC” means the Community Police Commission.

10 “Inconclusive” means the term as it is defined in the OPA Manual.

11 “Lawful and Proper” means the term as it is defined in the OPA Manual.

12 “Management Action” means the term as it is defined in the OPA Manual.

13 “Misconduct” means a violation of law or SPD policy.

14 “Not Sustained” means the term as it is defined in the OPA Manual.

15 “OIG” means the Office of Inspector General for Public Safety.

16 “OPA” means the Office of Police Accountability.

17 “OPA Manual” means the Office of Police Accountability Internal Operations and  
18 Training Manual.

19 “Rapid Adjudication” means a complaint resolution for certain types of alleged  
20 misconduct whereby the employee self-reports or immediately acknowledges a policy violation  
21 occurred, waives the right to an investigation, and signs an agreement acknowledging the  
22 violation and accepting the imposition of pre-determined discipline or other resolution.

23 “SPD” means the Seattle Police Department.

1 “Supervisor Action” means the term as it is defined in the OPA Manual.

2 “Sustained” finding means the term as it is defined in the OPA Manual.

3 “Training Referral” means the term as it is defined in the OPA Manual.

4 “Type III Force” means the term as it is defined in SPD policy.

5 “Unfounded” means the term as it is defined in the OPA Manual.

6 **3.29.009 Independent and Collaborative Oversight**

7 A. OPA, OIG, and CPC have an obligation to exercise independent judgment and offer  
8 critical analysis in the performance of their duties under this Chapter 3.29. These oversight  
9 entities shall exercise their responsibilities under this Chapter 3.29 without interference from any  
10 person, group, or organization, including the Chief, other SPD employees, or other City officials.  
11 City employees and agents who violate these provisions may be subject to dismissal, discipline,  
12 or censure consistent with City and state laws.

13 B. OPA, OIG, CPC, and the Chief shall each advise the City Council, Mayor, City  
14 Attorney, and each other on issues related to the purposes of this Chapter 3.29, and recommend  
15 and promote to policymakers changes to policies and practices, collective bargaining  
16 agreements, City ordinances, and state laws in order to support systemic improvements and other  
17 enhancements to SPD performance and in furtherance of community trust.

18 C. OPA, OIG, CPC, and SPD shall engage in collaborative conversations with each other  
19 on a quarterly basis and as otherwise reasonably requested by each other in order to effectuate  
20 coordinated oversight, including meeting collectively to review the extent to which the purposes  
21 and requirements of this Chapter 3.29 are being met.

22 Section 8. Subchapter VII of Chapter 3.28 of the Seattle Municipal Code is recodified as  
23 Subchapter I of Chapter 3.29 and amended as follows:

1           **Subchapter ((VII)) I Office of ((Professional)) Police Accountability**

2           Section 9. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance  
3 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

4 ~~((3.28.800))~~ **3.29.010 Office of ((Professional)) Police Accountability established**  
5 ~~((created))~~—**Functions and authority**

6           A. There is ((created within the Seattle Police Department)) established an  
7 independent Office of ((Professional)) Police Accountability ((hereinafter “OPA”) to receive  
8 and investigate complaints of misconduct by Seattle Police Department personnel) to fulfill the  
9 purposes set forth in Section 3.29.005. ((The responsibilities of the OPA include the following  
10 areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters  
11 involving the Police Department’s investigatory and disciplinary functions and on Police  
12 Department policies and practices related to police accountability and professional conduct;  
13 evaluating the internal investigation process; and, making recommendations on strategies and  
14 policies to improve complaint gathering and investigative procedures.))

15           B. There shall be a civilian OPA Director responsible for carrying out the duties set  
16 forth in this Subchapter I. There shall be a civilian OPA Deputy Director to perform such duties  
17 and have such powers as the OPA Director may prescribe and delegate to implement and  
18 efficiently and effectively manage the duties set forth in this Subchapter I.

19           C. OPA shall establish and manage processes to initiate, receive and investigate  
20 allegations of police misconduct. OPA policies and practices shall apply equally to all SPD  
21 employees regardless of rank or position, and shall be detailed in the OPA Manual, which shall  
22 be posted publicly online.

23           D. OPA complaint processes shall be fair, impartial, consistent, thorough, timely,

1 understandable, and accessible for the public, employees, and complainants; provide effective  
2 solutions; improve SPD standards; help reduce misconduct or policy violations; and enhance  
3 employee conduct.

4 E. OPA shall have the authority to address complaints of police misconduct in  
5 accordance with the OPA Manual through investigation, Supervisor Action referral, mediation,  
6 Rapid Adjudication, or other alternative resolution processes, as well as through Management  
7 Action findings and Training Referrals. Management Action findings may be made for either  
8 Sustained or Not Sustained complaints of misconduct.

9 F. OPA’s jurisdiction shall include all types of possible misconduct. In complaints  
10 alleging criminal misconduct, OPA shall have the responsibility to coordinate investigations with  
11 criminal investigators external to OPA and prosecutors on a case-by-case basis to ensure that the  
12 most effective, thorough, and rigorous criminal and administrative investigations are conducted.

13 G. OPA shall identify systemic problems in SPD policies, training, supervision, and  
14 management identified in the course of OPA’s investigation of possible misconduct or policy  
15 violations, or in the course of OPA’s other obligations under this Chapter 3.29.

16 H. OPA shall enhance an SPD culture of police accountability through means  
17 including, but not limited to, the following:

18 1. supporting SPD supervisors and strengthening supervisors’ involvement in the  
19 accountability system, including supervisors’ responsibilities to mentor employees and to  
20 investigate, document, and address minor policy violations, performance, and customer service  
21 concerns at the precinct and unit level;

1                    2. collaborating with SPD and OIG in the development and delivery of SPD in-  
2 service training related to the accountability system and helping ensure that this training is part  
3 of the curriculum for all new employees; and

4                    3. working with OIG and SPD to make disciplinary processes as fair, impartial,  
5 objective, certain, timely, consistent, understandable, transparent, and effective as possible.

6                    I. OPA shall be responsive to community needs and concerns through means  
7 including, but not limited to, the following:

8                    1. maintaining frequent and regular communications with complainants and  
9 named employees about the status of their investigation, including information to complainants  
10 about disciplinary appeal and grievance processes;

11                    2. using OPA complaint navigators, community-based organizations, and other  
12 approaches that reflect or take into account the diversity of Seattle’s communities in order to  
13 provide additional channels for filing complaints and support understanding of the system and  
14 how to access it;

15                    3. obtaining information about community perspectives and concerns germane to  
16 OPA access and OPA’s oversight responsibilities by means including, but not necessarily limited  
17 to, engaging CPC to conduct outreach to other community stakeholders and receiving feedback  
18 from CPC on issues surfaced as a result of the community outreach activities; and

19                    4. providing technical assistance on OPA matters to CPC, as reasonably  
20 requested and consistent with the purposes of this Chapter 3.29.

21                    Section 10. A new Section 3.29.015 of the Seattle Municipal Code is added to Subchapter  
22 I of Chapter 3.29 as follows:

1 **3.29.015 Office of Police Accountability—Independence**

2 A. OPA shall be physically housed outside any SPD facility and be operationally  
3 independent of SPD in all respects. OPA’s location and communications shall reflect its  
4 independence and impartiality, except that OPA shall be organizationally in SPD in order to  
5 ensure complete and immediate access to all SPD-controlled data, evidence, and personnel  
6 necessary for thorough and timely investigations and complaint handling.

7 B. The OPA Director shall have authority for the hiring, supervision, and discharge  
8 of all civilian staff, and for the supervision and transfer back to SPD of any sworn staff assigned  
9 to OPA.

10 C. A budget with sufficient staffing and resources for effective OPA operations shall  
11 be submitted annually by the OPA Director separate and distinct from SPD’s budget.

12 D. Only the OPA Director shall comment publicly on the specifics of any ongoing  
13 OPA investigation.

14 Section 11. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance  
15 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

16 ~~((3.28.810))~~ **3.29.020 Office of ((Professional)) Police Accountability—Director ((:))**

17 ~~((The Director of the OPA is responsible for the investigative and administrative~~  
18 ~~functions of the police disciplinary process and shall manage the overall investigative, training,~~  
19 ~~and administrative functions of the OPA. The OPA Director shall:~~

20 A. ~~Be a civilian with legal, investigative, or prosecutorial experience;~~

21 B. ~~Be appointed by the Mayor and confirmed by the City Council;~~

22 C. ~~Be appointed for a three year term, with the possibility of being reappointed to a~~  
23 ~~second or third three year term, for a maximum of nine years.~~

1 ~~D. Report directly to the Chief of Police;~~

2 ~~E. Be paid at a salary consistent with the level of responsibility established in this~~  
3 ~~section and as provided by ordinance;~~

4 ~~F. Direct the OPA investigative process, classify all complaints, certify in writing~~  
5 ~~the completion and recommended findings of all OPA cases, and convey these recommendations~~  
6 ~~to the Chief of Police, who is the final Police Department decision maker in disciplinary actions;~~

7 ~~G. Attend employee due process hearings with the Chief of Police concerning~~  
8 ~~possible employee discipline resulting from OPA recommendations;~~

9 ~~H. Provide analysis and recommendations to the Chief of Police regarding~~  
10 ~~disciplinary action in order to promote consistency of discipline;~~

11 ~~I. Provide recommendations to the Chief of Police, Mayor and City Council~~  
12 ~~regarding the resources of the OPA, including but not limited to budget and staffing; and~~

13 ~~J. Provide recommendations to the Chief of Police, Major and City Council~~  
14 ~~regarding Police Department policies and practices related to police accountability and~~  
15 ~~professional conduct.))~~

16 A. The OPA Director shall have the authority and responsibility to:

17 1. Manage all functions and responsibilities of OPA.

18 2. Hire, supervise, and discharge OPA civilian staff, and supervise and  
19 transfer back to SPD any sworn staff assigned to OPA. OPA staff shall collectively have the  
20 requisite credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in  
21 this Chapter 3.29.



1                   3.       Manage the complaint process so that all complaints of police misconduct  
2 or policy violations are initiated, received, referred, classified, investigated, and appropriately  
3 resolved.

4                   4.       Oversee and strengthen the effectiveness of OPA investigations,  
5 Supervisor Action referrals, mediation, Rapid Adjudication, and other alternative resolution  
6 processes, as well as Management Actions and Training Referrals. The OPA Director shall  
7 consult with CPC and OIG to implement improvements, consistent with best practices, to make  
8 and maintain a fair and effective mediation program and a fair and effective Rapid Adjudication  
9 process.

10                   5.       Ensure OPA processes are in compliance with the OPA Manual.

11                   6.       Update the OPA Manual at least annually. Such updates shall be done in  
12 accordance with a process established by the OPA Director that provides for consultation and  
13 input by OIG and CPC prior to final adoption of any updates.

14                   7.       Classify complaints; direct OPA investigative processes; address any  
15 additional investigative work requested or directed by OIG; certify in writing the completion and  
16 recommended findings of all OPA investigations and convey these recommendations to the  
17 Chief; participate in meetings related to recommended findings and discipline and in due process  
18 hearings; testify as needed in disciplinary appeals; and where requested, advise the Chief as to  
19 discipline and the Chief and City Attorney with regard to disciplinary appeals.

20                   8.       Comply with all OPA deadlines, including investigation deadlines, tolling  
21 of investigation deadlines, and extensions to investigation deadlines in order to complete  
22 investigations in a timely manner that best serves the public, complainants, and SPD employees.

1                    9. Work with OIG, SPD, CPC, and the City Attorney’s Office to help reduce  
2 or prevent misconduct through identification of patterns or trends arising through complaints,  
3 investigations, and lawsuits.

4                    10. Respond to the scene of all SPD officer-involved shootings and other  
5 serious use of force incidents pursuant to its duties set forth in Section 3.29.025 or designate  
6 OPA staff member(s) to do so.

7                    11. Employ best practices for administrative investigations and in compliance  
8 with the OPA Manual and the purposes of this Chapter 3.29. Ensure that investigators and  
9 investigative supervisors receive orientation and training when they begin working at OPA, on  
10 administrative investigation best practices, commensurate with their duties.

11                    12. Consult with CPC regularly regarding needed OPA informational materials to  
12 ensure they are readily understandable, culturally and linguistically appropriate, and widely  
13 available to Seattle’s diverse residents both in English and in translation.

14                    13. Collaborate with the Chief of Police, other SPD leadership, and OIG to  
15 strengthen the involvement of supervisory personnel in the accountability system to enhance a  
16 culture of accountability throughout SPD.

17                    B. Qualifications. The OPA Director shall be a civilian with significant legal,  
18 investigative, human resources, law enforcement oversight, or prosecutorial experience; shall not  
19 have been formerly employed by SPD; and should also have the following additional  
20 qualifications and characteristics:

21                    1. A reputation for integrity and professionalism, and the ability to maintain  
22 a high standard of integrity and professionalism in the office;

1                    2. A commitment to and knowledge of the need for and responsibilities of  
2 law enforcement, including enforcement and community care-taking, and the need to protect the  
3 basic constitutional rights of all affected parties;

4                    3. A commitment to the statements of purpose and policies in this Chapter  
5 3.29;

6                    4. A history of leadership experience;

7                    5. The ability to relate, communicate, and engage effectively with all who  
8 have a stake in policing, including, but not limited to, the general public, complainants,  
9 disenfranchised communities, SPD employees, and relevant City and other officials including the  
10 Mayor, City Council, City Attorney, Chief of Police, Inspector General, and CPC;

11                    6. An understanding of the City’s ethnic and socio-economic diversity and  
12 proven experience working with and valuing the perspectives of diverse groups and individuals;  
13 and

14                    7. The ability to exercise sound judgment, independence, fairness, and  
15 objectivity, and to carry out the duties of the OPA Director in a manner that reflects sound  
16 judgment, independence, fairness, and objectivity in an environment where controversy is  
17 common.

18                    C. Appointment and removal

19                    1. The OPA Director shall be appointed and reappointed in accordance with  
20 the process described in this Section 3.29.020.C. For appointments, the Mayor shall select from  
21 up to three qualified finalists identified by a search committee through a national process using  
22 merit-based criteria. CPC Commissioners shall constitute at least 25 percent of the search  
23 committee, one of whom shall serve as one of the search committee co-chairs. The Mayor shall

1 either appoint from among the finalists or initiate a new search. The appointee shall be confirmed  
2 by a majority vote of the full City Council. The Mayor shall receive input from the CPC and the  
3 Inspector General prior to reappointments.

4 2. The OPA Director may be appointed and reappointed for up to three, four-  
5 year terms for a total of 12 years. The terms shall be set to commence in years separate from the  
6 Mayor’s term of office. Each term year shall commence on July 1, except for the first term of the  
7 first OPA Director appointed pursuant to this Chapter 3.29, which will commence immediately  
8 following City Council confirmation. The first four-year term served by the first OPA Director  
9 appointed pursuant to this Chapter 3.29 shall include and not be limited by time served in office  
10 after confirmation but prior to July 1. If the OPA Director assumes office mid-term due to a prior  
11 vacancy, the OPA Director may complete that term and then be reappointed for up to three, four-  
12 year subsequent terms.

13 3. Each appointment and reappointment shall be made whenever possible  
14 sufficiently prior to the expiration of the latest incumbent’s term of office, or the effective date of  
15 an incumbent’s resignation, permitting City Council action to approve or disapprove the  
16 appointment or reappointment at least 45 days before the expiration of the present term or the  
17 effective date of the resignation, so as to have a seamless transition without a gap in oversight. If  
18 the Mayor does not make an appointment or reappointment or does not initiate a new search  
19 within 90 days of the first day of the expiration of a term or of a vacancy, the City Council  
20 committee responsible for public safety matters shall appoint the OPA Director subject to  
21 confirmation by a majority vote of the full City Council. If the City Council rejects the Mayor’s  
22 appointee, the Mayor shall appoint a new OPA Director within 90 days and such appointment  
23 shall be consistent with this Section 3.29.020, and subject to confirmation by a majority vote of

1 the full City Council. If the City Council does not act on the Mayor’s appointee within 30 days  
2 of the submittal of the nomination to the City Council, the appointee shall be deemed to have  
3 been confirmed.

4 4. In the event of a vacancy, the Mayor shall designate an interim OPA  
5 Director within ten days after the first day of the vacancy to serve until a new OPA Director is  
6 appointed. If the Mayor does not designate an interim OPA Director within ten days of the first  
7 day of the vacancy, the City Attorney’s Office shall provide notice to the City Council President  
8 and the interim OPA Director shall be designated by the City Council President. The interim  
9 OPA Director may be either an OPA employee or an individual from outside OPA, but must  
10 meet key qualifications in this Section 3.29.020. An OPA Director whose term is ending may  
11 continue on an interim basis until a successor has been confirmed by a majority vote of the full  
12 City Council. An interim term shall not count as a full term for the purposes of calculating term  
13 limits under this Section 3.29.020.

14 5. To strengthen the independence of the OPA Director, the Mayor may  
15 remove the OPA Director from office only for cause, and in accordance with the following  
16 provisions:

17 a. The Mayor shall give written notice, specifying the basis for the  
18 intended removal, to the OPA Director, the City Council President, the Chair of the committee  
19 responsible for public safety matters, the Inspector General, the Chief, and the CPC Executive  
20 Director.

21 b. Within ten days after receipt of the notice, the OPA Director may  
22 file with the City Council President and the Chair of the committee responsible for public safety  
23 matters a request for a hearing on the cause for removal. The OPA Director’s request for a

1 hearing shall be delivered at the same time to the Mayor, the Inspector General, the Chief, and  
2 the CPC Executive Director. If such request is made, the City Council shall convene a de novo  
3 hearing on the cause for removal in the committee responsible for public safety not sooner than  
4 30 days and not more than 60 days following the OPA Director’s request for a hearing, at which  
5 the OPA Director may appear, be represented by publicly-funded counsel, and be heard. The  
6 City Council shall vote to approve or reject the removal within 30 days of the hearing.

7 c. If no request for a hearing is made, the City Council shall vote to  
8 approve or reject the removal within 30 days of receiving the Mayor’s notice of the intended  
9 removal, following input from the Inspector General and CPC.

10 d. A majority vote of the full City Council is required to approve  
11 removal.

12 6. The Seattle Department of Human Resources shall obtain from an outside  
13 law enforcement agency a thorough background check of the Mayor’s nominees for OPA  
14 Director and report the results to the Mayor, prior to submittal of the nomination to the City  
15 Council for confirmation.

16 Section 12. A new Section 3.29.025 of the Seattle Municipal Code is added to Subchapter  
17 I of Chapter 3.29 as follows:

18 **3.29.025 Office of Police Accountability—Classifications and investigations**

19 A. Allegations of unnecessary or excessive force, biased policing, and violations of  
20 law shall not be classified as Supervisor Action.

21 B. It shall be a condition of employment for all SPD employees to fully and timely  
22 participate in an investigation whenever requested by OPA and failure to do so may result in  
23 discipline by the Chief of Police, up to and including termination. Complainants may remain

1 anonymous and must be given the choice of an in-person interview. Unless the OPA Director  
2 determines exigent circumstances require otherwise, all SPD employee interviews shall be  
3 conducted in-person. All interviews shall be audio-recorded and transcribed, except any  
4 interviews conducted before a Rapid Adjudication disposition. If an interview is transcribed  
5 both the recording and the transcription shall be retained in the OPA case file.

6 C. OPA shall have the authority to observe and review all administrative  
7 investigation processes at SPD to ensure they are not in conflict with OPA’s authority and are  
8 consistent with the purposes of this Chapter 3.29.

9 D. When responding to an incident scene, OPA representative(s) shall have access to  
10 the scene as necessary to ascertain and assess whether possible violations of SPD policies may  
11 have occurred. Following such incidents, OPA representative(s) may attend and participate in  
12 any SPD administrative investigation unit interviews or meetings held to review Force  
13 Investigation Team (FIT) information or discuss the incident, and may at that time identify any  
14 areas of concern related to possible violations of SPD policies. OPA may respond to the scene  
15 and participate in SPD administrative investigation unit interviews or meetings of any other  
16 incident, at the OPA Director’s discretion.

17 E. When necessary, the OPA Director may issue a subpoena at any stage in an  
18 investigation if evidence or testimony material to the investigation is not provided to OPA  
19 voluntarily, in order to compel witnesses to produce such evidence or testimony. If the  
20 subpoenaed individual or entity does not respond to the request in a timely manner, the OPA  
21 Director may ask for the assistance of the City Attorney to pursue enforcement of the subpoena  
22 through a court of competent jurisdiction.

1           F.       Every OPA investigation shall have an investigation plan approved by the OPA  
2 Director or the OPA Director’s designee prior to the initiation of an investigation. OPA  
3 investigation plans shall include the prioritization of the investigation within OPA’s ongoing  
4 body of work, the witnesses to be interviewed, the perishable evidence to be prioritized, other  
5 material evidence to be obtained, and the approach to addressing each allegation of possible  
6 policy violation or misconduct. If OPA is unable to investigate an allegation in the manner the  
7 OPA Director believes appropriate due to resource constraints in light of other investigation  
8 priorities, the investigation plan and case file should indicate that this intentional decision is  
9 being made regarding allocation of investigative resources.

10           G.       In cases where a Sustained finding has been recommended by the OPA Director  
11 and hearing from the complainant would help the Chief of Police better understand the  
12 significance of the concern or weigh issues of credibility, the OPA Director may recommend that  
13 the Chief meet with the complainant prior to the Chief making final findings and disciplinary  
14 decisions.

15           H.       As set forth in subsection 3.29.110.A.14, establish in the OPA Manual a protocol  
16 for referral to OIG for classification and appropriate complaint-handling, such as Supervisor  
17 Action, investigation, or alternative resolution, any complaints involving OPA staff that cannot  
18 be handled within OPA due to a potential conflict of interest.

19           I.       OPA shall have discretion to investigate any specific SPD policy violation it  
20 chooses, but with SPD supervisors generally handling minor performance issues and OPA  
21 prioritizing its investigative resources on allegations that concern public trust and maintaining  
22 systemic oversight of all SPD accountability systems.



1           Section 13. A new Section 3.29.026 of the Seattle Municipal Code is added to Subchapter  
2 I of Chapter 3.29 as follows:

3 **3.29.026 Office of Police Accountability—Classification and investigation timelines**

4           A.     OPA shall notify the named employee(s), the Captain or equivalent of the named  
5 employee(s), and the bargaining unit of the named employee(s) within 30 days of receiving  
6 directly or by referral a complaint of possible misconduct or policy violation. The notice shall  
7 not include the name and address of the complainant if the complainant is a member of the  
8 public. The notice shall confirm the complaint and enumerate allegations that allow the named  
9 employee(s) to begin to prepare for the OPA investigation; however, if OPA subsequently  
10 identifies additional allegations not listed in the 30-day notice, these may also be addressed in the  
11 investigation.

12           B.     The time period in which investigations must be completed by OPA in order for  
13 discipline to be imposed is 180 days. The time period begins on the date OPA initiates a  
14 complaint, a complaint is filed with OPA, or a complaint should have been referred to OPA by  
15 an SPD employee or an SPD administrative investigation unit such as force review or collision  
16 review. The time period ends on the date the OPA Director issues proposed findings.

17           C.     SPD employees shall timely refer incidents involving possible policy violations  
18 and misconduct to OPA. Members of any SPD unit or board with authority to conduct  
19 administrative investigations or review compliance with policy also have a responsibility for  
20 ensuring complete and timely referral to OPA of any incident they review that involves such  
21 potential misconduct or policy violation.

1                   1.       Where an SPD employee fails to timely refer a complaint to OPA the  
2 failure to refer shall also constitute misconduct subject to complaint and investigation, and  
3 discipline under this Chapter 3.29 and the authority of the Chief of Police.

4                   2.       If the failure by an SPD employee to timely refer results in OPA being  
5 unable to complete an investigation within 180 days, OPA shall initiate a complaint and  
6 investigation of the failure to timely refer with an investigation timeline of the later of (a) 180  
7 days following the end of the 180-day period for the underlying, untimely-referred alleged  
8 misconduct or (b) 180 days following the determination that the 180-day deadline was missed  
9 due to a failure to timely refer.

10               D.       Each time an OPA interview of a named or witness employee must be postponed  
11 due to the unavailability of the interviewee or the interviewee’s labor representative, the  
12 additional number of days needed to accommodate the schedule of the employee or the  
13 employee’s bargaining representative shall be added to the 180-day investigation period.

14               E.       If the OPA Director position becomes vacant due to unforeseen exigent  
15 circumstances, the 180-day period shall toll for 60 days to permit the designation of an interim  
16 OPA Director and the initiation of the appointment process for a permanent OPA Director  
17 without prejudicing ongoing OPA investigations.

18               F.       In cases involving possible criminal actions, the 180-day period shall be tolled if  
19 an OPA administrative investigation is not commenced or is paused due to a criminal  
20 investigation. The OPA administrative investigation shall be paused as long as is necessary so  
21 that neither the OPA administrative nor the criminal investigation of the same incident is  
22 compromised. The 180-day clock shall resume whenever any administrative investigation steps  
23 are taken by OPA.

1           G.       Investigations required by OIG for review and certification shall be provided to  
2 OIG as soon as possible after the investigator submits them, to afford sufficient time for OPA to  
3 conduct additional investigation if requested or directed by OIG, or to investigate new material  
4 evidence appropriately raised by the named employee during a due process hearing. Any further  
5 investigation shall be re-submitted to OIG for review in a timely manner, so as not to lessen the  
6 quality of the investigation due to the passage of time and to meet all contractual deadlines so  
7 that additional investigation does not foreclose the possibility of discipline being imposed.

8           H.       To ensure the integrity and thoroughness of investigations, and the  
9 appropriateness of disciplinary decisions, if at any point during an OPA investigation the named  
10 employee or the named employee’s bargaining representative becomes aware of any witness or  
11 evidence that the named employee or the employee’s bargaining representative believes to be  
12 material, they shall disclose it as soon as is practicable to OPA, or shall otherwise be foreclosed  
13 from raising it later in a due process hearing, grievance, or appeal. Information not disclosed  
14 prior to a due process hearing, grievance or appeal, shall not be allowed into the record after the  
15 OPA investigation has concluded if it was known to the named employee or the named  
16 employee’s bargaining representative during the OPA investigation, and if OPA offered the  
17 employee an opportunity to discuss any additional information and suggest any additional  
18 witnesses during the course of the employee’s OPA interview.

19           I.       If further investigation is needed because new information is brought forward  
20 during an OPA interview or a due process hearing, or because additional investigation is directed  
21 by OIG or new evidence is surfaced from such additional investigation, OPA shall have an  
22 additional 60 days for each instance that requires additional investigation, to complete that work  
23 and provide it for final review by OIG.

1 Section 14. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance  
2 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

3 ~~((3.28.812))~~ **3.29.027 Office of ~~((Professional))~~ Police Accountability—Explanations of**  
4 ~~((Certain Complaint Dispositions))~~ **certain complaint dispositions**

5 A. Where there is disagreement between the Chief of Police and the OPA Director as  
6 to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall  
7 engage in a supplemental meeting to discuss the disagreement, which shall occur after the  
8 employee due process meeting has taken place.

9 ~~((A.))~~ B. If the Chief ~~((of Police))~~ decides not to follow the ~~((OPA’s))~~ one or more  
10 of the OPA Director’s written recommendations on ~~((the disposition of an OPA complaint))~~  
11 findings following an OPA investigation, the Chief shall ~~((make))~~ provide a written statement of  
12 the material reasons for the decision. ~~((The statement shall not contain the officer’s name or any~~  
13 personal information about the officer.)) If the basis for ~~((not sustaining the complaint))~~ the  
14 action is personal, involving family or ~~((medical information))~~ health-related circumstances  
15 about the ~~((officer))~~ named employee, the statement shall refer to “personal ~~((information))~~  
16 circumstances” as the basis. The Chief shall make ~~((the))~~ this written statement within ~~((60))~~ 30  
17 days of ~~((his or her final))~~ the Chief’s decision ~~((on the disposition of the complaint))~~. The  
18 written statement shall be provided to the Mayor, the City Council President and the Chair of the  
19 committee responsible for public safety matters, the City Attorney, the OPA Director, the  
20 Inspector General, and the CPC Executive Director, and be included in the OPA case file and in  
21 a communication with the complainant and the public. If any findings or discipline resulting  
22 from an investigation are changed pursuant to an appeal or grievance, this responsibility shall  
23 rest with the City Attorney.

1           ~~((B-))~~ C.       If no discipline results from an OPA complaint because an investigation  
2 time limit (~~((specified in a collective bargaining agreement between the City and the subject~~  
3 ~~employee’s bargaining unit))~~ as set forth in Section 3.29.026 has been exceeded, within ~~((60))~~ 30  
4 days of the final ~~((disposition of the complaint investigation))~~ certification of the investigation by  
5 the OPA Director, the OPA Director shall make a written ~~((explanation))~~ statement of the nature  
6 of the allegations in the complaint and the reason or reasons why the time limit was exceeded.  
7 This requirement applies whether the OPA Director ~~((recommends that))~~ recommended the  
8 complaint be sustained, not sustained, or ~~((declines))~~ declined to make a recommendation  
9 because the time limit ~~((has))~~ had been exceeded. The written statement shall be included in the  
10 OPA case file and provided to the Mayor, the City Council President and the Chair of the  
11 committee responsible for public safety matters, the City Attorney, the Inspector General, and  
12 the CPC Executive Director, and included in a communication with the complainant and the  
13 public.

14           ~~((C-))~~ D.       The written ~~((explanations))~~ statements required by ~~((Subsections A and B~~  
15 ~~of this Section))~~ this Section 3.29.027 shall not identify named employees or divulge personal  
16 information about ~~((the subject officer or officers))~~ named employees or anyone else involved in  
17 the complaint and shall be subject to any applicable ~~((confidentiality requirements))~~ disclosure  
18 limitations in state or federal law. The ~~((explanations))~~ statements shall not affect any discipline  
19 decisions; ~~((as specified in Seattle Municipal Code 3.28.810 Subsection F,))~~ the Chief of Police  
20 remains the final ~~((Police Department))~~ SPD decision-maker in disciplinary actions.

21           ~~((D-))~~ E.       ~~((The written explanations required by Subsections A and B of this~~  
22 ~~Section shall be provided to the Mayor and City Council.))~~ The OPA Director shall include  
23 summaries of ~~((these explanations))~~ the written statements required by this Section 3.29.027 in

1 the OPA Director’s reports required by ((~~Seattle Municipal Code 3.28.825~~)) Section 3.29.030.

2 The summaries ((~~shall not identify or divulge personal information about the subject officer or~~  
3 ~~officers or anyone else involved in the complaint and~~)) shall be ((~~subject to~~)) consistent with any  
4 applicable confidentiality requirements in state or federal law.

5 F. Termination is the presumed discipline for a finding of material dishonesty based  
6 on the same evidentiary standard used for any other allegation of misconduct.

7 Section 15. A new Section 3.29.028 of the Seattle Municipal Code is added to Subchapter  
8 I of Chapter 3.29 as follows:

9 **3.29.028 Office of Police Accountability—Staffing**

10 A. The OPA Director and the Deputy Director shall be civilians and, within 18  
11 months of the ordinance introduced as Council Bill 118907 becoming effective, all investigative  
12 supervisors shall be civilian.

13 B. All OPA staff working directly with SPD supervisors to support the handling of  
14 minor violations and public access to the accountability system shall be civilians.

15 C. Within 12 months of the ordinance introduced as Council Bill 118907 becoming  
16 effective, intake and investigator personnel shall be entirely civilian or a mix of civilian and  
17 sworn, in whatever staffing configuration best provides for continuity, flexibility, leadership  
18 opportunity, and specialized expertise, and supports public trust in the complaint-handling  
19 process.

20 D. All staff shall have the requisite skills and abilities necessary for OPA to fulfill its  
21 duties and obligations as set forth in this Chapter 3.29 and for OPA’s operational effectiveness.  
22 No civilian staff shall be required to have sworn experience and no civilian staff shall have been  
23 formerly employed by SPD as a sworn officer.

1           E.       The OPA Director and the Chief of Police shall collaborate with the goal that the  
2 rotations of sworn staff into and out of OPA are done in such a way as to maintain continuity and  
3 expertise, professionalism, orderly case management, and the operational effectiveness of both  
4 OPA and SPD, pursuant to subsection 3.29.315.H.

5           F.       The appropriate level of civilianization of OPA intake and investigator personnel  
6 shall be evaluated by OIG pursuant to Section 3.29.110.

7           G.       OPA investigators and investigative supervisors shall receive training by  
8 professional instructors outside SPD in best practices in administrative and police practices  
9 investigations. OPA investigators and investigative supervisors shall also receive in-house  
10 training on current SPD and OPA policies and procedures.

11           Section 16. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance  
12 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

13 **((3.28.825 Reports.)) 3.29.030 Office of Police Accountability—Reporting**

14           A. Timely and informative reporting is important to sustain public trust, help the  
15 City’s police accountability system function effectively, and allow for regular and continuous  
16 improvement. The OPA Director shall produce annual reports that are readily understandable,  
17 responsive to issues and trends of concern, and allow for meaningful comparison of patterns and  
18 trends over time which are useful to policymakers and the public. The OPA Director shall  
19 request CPC’s assistance in doing so.

20           B. OPA shall maintain a website consistent with City Information Technology  
21 standards and shall, with the assistance of CPC, conduct community outreach to inform the  
22 public about the police accountability system and how to access it. OPA’s website shall contain  
23 comprehensive, substantive, and timely information on matters of public interest concerning

1 SPD’s accountability system, including information about OIG and CPC and links to their  
2 websites.

3 C. OPA shall post online, in a timely manner, summaries of completed  
4 investigations, including the allegations, analysis, and findings. Each month, OPA shall post on  
5 its website and distribute, by electronic subscription, a compilation of the completed  
6 investigation summaries from the prior month, noting additionally any investigations for which  
7 discipline has been appealed.

8 D. At the time they are issued, OPA shall post online and copy to OIG and CPC  
9 letters sent to SPD recommending Management Actions. OPA shall timely post online and copy  
10 to OIG and CPC updates on the outcomes of its Management Action recommendations,  
11 including SPD written responses to OPA Management Action recommendations and the status of  
12 these recommended changes to SPD policies or practices.

13 E. OPA shall work with the City Attorney’s Office to publicly release information  
14 about OPA cases as promptly and with as much transparency as legally and practically possible.

15 F. Each year in June and December, OPA shall provide to OIG status reports  
16 regarding (1) all OPA cases that were referred by OPA for possible criminal investigations  
17 during the previous six months and (2) all OPA cases that were referred by OPA for possible  
18 criminal investigations in earlier periods and for which investigations remained open at any time  
19 during the current reporting period. These status reports shall include the nature of the criminal  
20 allegation, the case number, the named employee(s), the date of complaint, the timeliness of the  
21 criminal investigation, and the current status of the case.



1           G. OPA shall report to complainants and the public on the outcome of any  
2 disciplinary appeals or grievance processes that result in the modification of final findings and  
3 discipline determinations.

4           H. OPA shall post online and electronically distribute an annual report to the Mayor,  
5 City Attorney, City Council, Chief of Police, Inspector General, and CPC, as well as to the City  
6 Clerk for filing as a public record. This report shall describe the work of OPA and include any  
7 OPA Director recommendations for changes in policies and practices, collective bargaining  
8 agreements, City ordinances, and state law. The annual report shall address the extent to which  
9 the purpose, duties, and responsibilities detailed in this Chapter 3.29 have been met and also  
10 detail the implementation status of any previous OPA policy and practice recommendations to  
11 SPD or other City departments and agencies not yet fully implemented and if not met, the reason.  
12 The annual report shall also summarize information received from community outreach that has  
13 informed its work.

14           ~~((A-))~~ I. ((The Director shall issue at least two reports per year to the Mayor and  
15 City Council describing the work of the OPA and making recommendations for policy changes  
16 as determined by the Director. Each year at least one of the Director's reports shall report)) The  
17 OPA Director's annual report shall include, but not be limited to, the following:

- 18                   ~~((1. The total number of complaints received by the Office of Professional~~  
19 ~~Accountability;~~
- 20                   ~~2. The number of complaints by classification and nature of allegation;~~
- 21                   ~~3. The percentage of complaints resulting in each kind of finding, namely,~~  
22 ~~sustained, not sustained, unfounded, supervisory intervention or exonerated;~~
- 23                   ~~4. The nature of disciplinary action taken in sustained cases;))~~

1                    1. The number and percentage of all complaints by classification and nature  
2 of allegation received by OPA;

3                    2. The number and percentage of all complaints and allegations sustained  
4 and the specific disciplinary or other remedial action taken in sustained cases;

5                    3. The number and percentage of cases that were not certified as thorough,  
6 timely, and objective by OIG, including actions taken by the OPA Director to reduce the number  
7 of not certified cases.

8                    4. The number and percentage of cases that were appealed or grieved, and  
9 the number and percentage of these cases in which findings and/or discipline determinations  
10 were changed, and the nature of those changes, as a result of appeals or for other reasons;

11                    5. The number and percentage of all complaints and allegations not  
12 sustained, and the categorization of all not sustained findings, e.g., unfounded, inconclusive,  
13 lawful and proper;

14                    6. The number and percentage of all complaints handled directly by frontline  
15 supervisors, referred for Supervisor Action, Management Action, training or alternative  
16 resolution;

17                    ~~((5-))~~ 7. The precinct, sector, and shift distribution of incidents underlying  
18 complaints;

19                    ~~((6-))~~ 8. The racial, ethnic, ~~((and))~~ gender, and geographic distributions of  
20 complainants, ~~((as))~~ to the extent this information is provided voluntarily by complainants;

21                    ~~((7-))~~ 9. The racial, ethnic, gender, assignment, shift, and service seniority  
22 seniority distributions of ~~((officers))~~ named employees who are subjects of complaints;

1                    ~~((8-))~~ 10.       The number of ~~((officers))~~ named employees who have received  
2 ~~((three))~~ two or more sustained complaints within one year; ~~((and~~

3                    ~~9. —The timeliness of OPA complaint handling.))~~

4                    11.     Patterns and trends in all OPA complaints, including year-to-year  
5 comparisons of demographic data that can help identify problems, deter misconduct, and inform  
6 SPD policy and practice improvements; and

7                    12.     The accessibility, transparency, timeliness, thoroughness, responsiveness,  
8 and effectiveness of OPA and SPD processes, including but not limited to, OPA investigations;  
9 complaints referred by OPA for Supervisor Action; complaints handled directly by frontline  
10 supervisors; Supervisor Action referrals; mediations, Rapid Adjudication, and other alternative  
11 resolution processes; and Management Actions and Training Referrals.

12                   ~~((B. —The OPA Director and OPA staff may meet with citizens and community groups~~  
13 ~~to solicit community input on policies and practices related to police accountability.))~~

14                   ~~((C-))~~ J.       The OPA Director shall make available to ~~((the OPA Auditor and OPA~~  
15 ~~Review Board))~~ OIG and CPC information necessary for their respective ~~((auditing and~~  
16 ~~reporting))~~ functions ~~((as))~~ set forth in this ~~((chapter))~~ Chapter 3.29, in a timeframe allowing for  
17 the timely performance of their duties.

18                   Section 17. Section 3.28.830 of the Seattle Municipal Code, last amended by Ordinance  
19 120728, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

20 ~~((3.28.830))~~ **3.29.040 Office of Police Accountability—Confidentiality of files and**  
21 **records ((-))**

22 ~~((The Director shall, in the case of unsustained complaints, prepare a summary of the~~  
23 ~~investigation, including a description of the number of witnesses interviewed, the investigative~~

1 ~~methods employed, and a brief explanation of why the complaint was not sustained. The Director~~  
2 ~~shall provide a copy of the summary to the complainant.))~~ The OPA Director shall protect the  
3 confidentiality of ~~((Department))~~ OPA and SPD files and records to which ~~((s/he))~~ OPA has been  
4 provided access to the extent permitted by applicable law and collective bargaining agreements,  
5 in accordance with the provisions of this ~~((chapter))~~ Chapter 3.29, and in the same manner and to  
6 the same degree as ~~((s/he))~~ the OPA Director would be obligated to protect attorney-client  
7 privileged materials under legal and ethical requirements. The OPA Director shall also be bound  
8 by the confidentiality provisions of the Criminal Records Privacy Act, ~~((RCW Chapter 10.97))~~  
9 chapter 10.97 RCW, and ~~((Public Disclosure Act (RCW Section 42.17.250 et seq.))~~ disclosure  
10 limitations under state and federal law. The OPA Director shall not identify the ~~((subject of an))~~  
11 named employee in an OPA investigation in any public report required by this ~~((chapter))~~  
12 Chapter 3.29.

13 Section 18. Subchapter VIII of Chapter 3.28 of the Seattle Municipal Code is recodified  
14 as Subchapter II of Chapter 3.29 and amended as follows:

15 **Subchapter ~~((VIII))~~ II Office of ~~((Professional Accountability Auditor))~~ Inspector General**  
16 **for Public Safety**

17 Section 19. A new Section 3.29.100 of the Seattle Municipal Code is added to Subchapter  
18 II of Chapter 3.29 as follows:

19 **3.29.100 Office of Inspector General for Public Safety established—Functions and**  
20 **authority**

21 A. There is established an independent Office of Inspector General for Public Safety  
22 (OIG) to fulfill the purposes set forth in Section 3.29.005.

1           B.       There shall be a civilian Inspector General responsible for carrying out the duties  
2 set forth in this Subchapter II.

3           C.       There shall be a civilian Deputy Inspector General to perform such duties and  
4 have such powers as the Inspector General may prescribe and delegate to fulfill and effectively  
5 manage the duties set forth in this Subchapter II, including acting on behalf of the Inspector  
6 General when necessary. The Inspector General shall obtain from an outside law enforcement  
7 agency a thorough background check of the Deputy Inspector General, prior to the Deputy  
8 Inspector General’s appointment to the position, as well as for any other staff who are assigned  
9 to perform some or all of the functions of the OPA Auditor and the Police Intelligence Auditor.

10          D.       OIG oversight activities shall objectively ensure the ongoing integrity of SPD  
11 processes and operations and that SPD is meeting its mission to address crime and improve  
12 quality of life through the delivery of constitutional, professional, and effective police services  
13 consistent with best practices, and meeting its mission in a way that reflects the values of  
14 Seattle’s diverse communities.

15          E.       OIG shall conduct risk management reviews and performance audits, including  
16 analysis of sample and aggregate data, to identify systemic problems and to establish patterns  
17 and trends, of any and all SPD and OPA operations, and criminal justice system operations that  
18 involve SPD or OPA.

19          F.       OIG shall review OPA’s misconduct complaint-handling and investigations, other  
20 OPA activities, and the effectiveness, accessibility, timeliness, transparency, and responsiveness  
21 of the complaint system.

22          G.       OIG may also conduct audits and reviews for any areas that may (a) involve  
23 potential conflicts of interest; (b) involve possible fraud, waste, abuse, inefficiency or

1 ineffectiveness; (c) undermine accountability or ethical standards; or (d) otherwise compromise  
2 the public’s trust in the police or the criminal justice system.

3 H. OIG shall have the authority to review and audit policies and practices of other  
4 City departments and offices in areas related to policing and criminal justice matters.

5 I. OIG shall enhance an SPD culture of police accountability through means  
6 including, but not limited to, the following:

7 1. collaborating with the Chief of Police, the OPA Director, and other SPD  
8 leadership to strengthen the involvement of supervisory personnel in the accountability system;  
9 and

10 2. working with the OPA Director and SPD to make disciplinary processes as  
11 fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as  
12 possible.

13 J. OIG shall be responsive to community needs and concerns through means  
14 including, but not limited to, the following:

15 1. obtaining information about community perspectives and concerns germane to  
16 OIG’s oversight responsibilities by means including, but not necessarily limited to, seeking  
17 support from CPC on community outreach and receiving feedback from CPC on issues surfaced  
18 as a result of its community outreach activities;

19 2. consulting with CPC regularly regarding needed OIG informational materials  
20 to ensure they are readily understandable and widely available to Seattle’s diverse residents both  
21 in English and in translation;

22 3. providing technical assistance on OIG matters to CPC, as reasonably requested  
23 and consistent with the purposes of this Chapter 3.29; and

1                   4. maintaining and promoting use of a hotline and other technologies to receive  
2 anonymous reports from the public and City employees regarding matters germane to this  
3 Chapter 3.29.

4                   K.     OIG shall review evidence-based research and successful police practices in other  
5 jurisdictions and make recommendations based on such reviews to City policymakers for  
6 increasing the effectiveness of SPD and related criminal justice system processes.

7                   Section 20. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter  
8 II of Chapter 3.29 as follows:

9 **3.29.105 Office of Inspector General for Public Safety—Independence**

10                  A.     The Inspector General shall have authority for the hiring, supervision, and  
11 discharge of all OIG staff.

12                  B.     A budget with sufficient staffing and resources for effective OIG operations shall  
13 be submitted annually by the Inspector General separate and distinct from the budget of any  
14 other City department.

15                  C.     Except as prohibited by law, OIG shall have timely, full, and direct access to all  
16 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other  
17 City departments and offices that are necessary to perform its duties set forth in this Chapter  
18 3.29. Should any City department decline to provide OIG access to documents or data, the  
19 declining department shall provide the Inspector General with an itemization describing the  
20 documents or data withheld and the legal basis for withholding access to each item. OIG shall  
21 have authority to observe reviews, meetings, and trainings, such as SPD administrative  
22 investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint  
23 investigations.

1 Section 21. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance  
2 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

3 ~~((3.28.855 OPA Auditor’s Authority and Responsibility.))~~ **3.29.110 Office of Inspector**  
4 **General for Public Safety—Inspector General**

5 ~~((A.—The OPA Auditor shall review OPA complaint classifications and complaint  
6 investigations. Every week the OPA shall notify the Auditor of the complaint classifications  
7 made and complaint investigations completed in the previous week, and shall make the case files  
8 available to the Auditor. The Auditor may recommend to the OPA that it change a complaint  
9 classification or further investigate a complaint, or, as specified elsewhere in this section, require  
10 further investigation. If within 10 days after being notified that a case file has been completed the  
11 Auditor has not advised the Department of concerns with the investigation, the OPA shall  
12 forward the case file to the subject officer’s chain of command for review and recommendations.  
13 The OPA Auditor may review a completed case file after the OPA has referred the case file to  
14 the subject officer’s chain of command, but in these instances the OPA Auditor shall not require  
15 further investigation.~~

16 ~~B.—The OPA Auditor may audit any and all OPA records. The purpose of such audits  
17 is to support the Auditor’s recommendations on the thoroughness, fairness and timeliness of  
18 OPA investigations, and on any other Police Department or City policies and practices related to  
19 police accountability and police professional conduct. The Auditor shall issue public reports on  
20 the results of such audits. The Auditor shall determine the topics, scope and frequency of such  
21 audits after consulting at least annually with the OPA Director and OPA Review Board.~~



1           ~~C. — OPA Auditor May Require Further Investigation of OPA Complaints.~~

2                   1. ~~— The OPA Auditor shall use best efforts to complete audits under~~  
3 ~~subsections A and B of this section without unreasonably delaying review of the case file by the~~  
4 ~~subject officer’s chain of command. After reviewing the file, the OPA Auditor may request the~~  
5 ~~Office of Professional Accountability to conduct further investigation. The OPA Auditor shall~~  
6 ~~provide a written statement to the OPA Director identifying the reasons for his or her request for~~  
7 ~~further investigation. Criteria the OPA Auditor should consider include but are not limited to: (1)~~  
8 ~~whether witnesses were contacted and evidence collected; (2) whether interviews were thorough;~~  
9 ~~and (3) whether applicable OPA procedures were followed. In the event the OPA Director~~  
10 ~~disagrees with this recommendation, he or she shall within five days provide the OPA Auditor~~  
11 ~~with a written explanation of the reasons. After giving due consideration to the OPA Director’s~~  
12 ~~explanation, the Auditor may require the OPA to conduct the specified further investigation.~~

13           ~~D. — Secure Temporary Space. The Department shall, upon request of the OPA~~  
14 ~~Auditor, provide secure temporary space for the OPA Auditor to conduct the audits close to the~~  
15 ~~records to be reviewed.~~

16           ~~{E. — Reserved.}~~

17           ~~F. — OPA Auditor’s Access to Records; Restriction on Access When Criminal~~  
18 ~~Investigation Pending; Return of Records.~~

19                   1. ~~— The OPA Auditor shall have access to all OPA files and records, provided,~~  
20 ~~however, that the OPA Auditor shall not have access to files designated by the OPA as relating~~  
21 ~~to an active criminal investigation of an officer until such time as the Department has given the~~  
22 ~~subject officer written notification of the investigation. The OPA Director shall provide the OPA~~  
23 ~~Auditor with quarterly status reports regarding OPA cases in which criminal investigations are~~

1 ~~also being undertaken. These status reports shall include the number of ongoing OPA criminal~~  
2 ~~investigations and the month during which each investigation was originated, and the number of~~  
3 ~~new criminal investigations initiated that quarter.~~

4 ~~2. OPA files and records made available to the OPA Auditor are the property~~  
5 ~~of the Police Department and shall not, by operation of this sub chapter, become the property of~~  
6 ~~the OPA Auditor. The OPA Auditor shall make every reasonable effort to maintain the security~~  
7 ~~of files belonging to the Department while in the OPA Auditor's possession. Any requests made~~  
8 ~~to the OPA Auditor for OPA files or records, whether through litigation discovery or pursuant to~~  
9 ~~public disclosure, shall be referred to the Chief of Police for response.~~

10 ~~3. Upon completion of an audit, the OPA Auditor shall return to the OPA all~~  
11 ~~section files, reports, and records to which he or she has been provided access pursuant to these~~  
12 ~~audit procedures and standards. Following completion of an audit, the OPA Auditor may,~~  
13 ~~however, continue to have access to closed OPA files.~~

14 ~~G. OPA Auditor Access to Caseload, Workload and Procedural Information. The~~  
15 ~~OPA Auditor is authorized to request any information on OPA cases, workload, or procedures~~  
16 ~~that he or she finds necessary in order to conduct an ongoing analysis of the Department's OPA~~  
17 ~~process. The Department shall make the requested information available to the Auditor.))~~

18 A. The Inspector General shall have the authority and responsibility to:

19 1. Manage all functions and responsibilities of OIG.

20 2. Hire, supervise, and discharge OIG employees. OIG staff shall collectively  
21 have the requisite credentials, skills, and abilities to fulfill the duties and obligations of OIG set  
22 forth in this Chapter 3.29; no OIG staff shall have been formerly employed by SPD as a sworn  
23 officer.

1                   3. Review OPA and SPD handling of allegations of misconduct, including  
2 directing audits and reviews of OPA classifications and investigations, directing any additional  
3 OPA investigation, and making certification determinations on whether OPA investigations are  
4 complete.

5                   4. Handle complaints involving OPA staff where a potential conflict of  
6 interest precludes OPA from handling the complaint.

7                   5. Perform the police intelligence auditor functions defined in Chapter 14.12.

8                   6. Set OIG’s annual workplan. The workplan shall take into account input  
9 from the OPA Director and CPC on areas of concern identified in the course of their duties. The  
10 Council may direct the addition of items to the OIG’s work plan. The workplan may be modified  
11 during the year to accommodate emergent issues. Budget constraints of OIG and its need to  
12 balance a range of priorities shall be taken into account by OIG in adding areas to its workplan.

13                   7. Review SPD handling of incidents involving death, serious injury, serious  
14 use of force, mass demonstrations, serious property or vehicle damage, or other issues as  
15 determined by OIG. This may include auditing, monitoring, or other review of SPD’s  
16 administrative investigations or reviews of incidents to assess the quality, thoroughness, and  
17 integrity of the investigations; assessing the integrity of specific findings from the investigations;  
18 and reviewing after-action reports.

19                   a. To fulfill OIG’s monitoring obligations of incidents, the Inspector  
20 General or OIG representative(s) designated by the Inspector General, shall have full authority to  
21 respond to any incident scene and have access to the scene to the extent that they request it  
22 related to its authority as set forth in this Chapter 3.29.

1                            b.        OIG representative(s) may also attend and participate in SPD  
2 administrative investigation unit interviews and meetings held to review Force Investigation  
3 Team (FIT) information or discuss any incidents, including those to which scenes OIG has  
4 responded, at the Inspector General’s discretion, related to its authority as set forth in this  
5 Chapter 3.29.

6                            c.        Whether at the scene of an incident or in subsequent SPD  
7 administrative investigation unit interviews or meetings concerning any incident, OIG  
8 representative(s) may identify areas of concern related to its authority as set forth in this Chapter  
9 3.29.

10                          8.        Monitor the implementation by SPD, OPA, City elected officials, and  
11 other City departments and offices of recommendations made by the Inspector General, the OPA  
12 Director, and CPC.

13                          9.        Through semi-annual review, assess the thoroughness, fairness,  
14 consistency, and timeliness of OPA complaint-handling for those cases not investigated,  
15 including cases directly handled by or referred to supervisors, mediated, or resolved through  
16 alternative resolution, and for the timely and substantive follow-through on OPA  
17 recommendations for Management Actions and Training Referrals.

18                          10.       OIG shall review and comment on any revisions proposed by OPA to the  
19 OPA Manual in accordance with a process established by the OPA Director that provides for  
20 consultation and input prior to final adoption of any revisions.

21                          11.       Issue a subpoena if evidence or testimony necessary to perform the duties  
22 of OIG set forth in this Chapter 3.29 is not provided voluntarily, in order to compel witnesses to  
23 produce such evidence or testimony. If the subpoenaed individual or entity does not respond to

1 the request in a timely manner, the Inspector General may ask for the assistance of the City  
2 Attorney to pursue enforcement of the subpoena through a court of competent jurisdiction.

3 Section 22. A new Section 3.29.111 of the Seattle Municipal Code is added to Subchapter  
4 II of Chapter 3.29 as follows:

5 **3.29.111 Office of Inspector General for Public Safety—Review of OPA classifications**

6 A. Each quarter, OIG shall conduct an audit of a random, statistically significant  
7 sample of the classifications of all misconduct complaints from the prior quarter to validate that  
8 OPA classifications were appropriately assigned for OPA investigation, Supervisor Action, or an  
9 alternative resolution, and that all allegations and employees associated with the complaints were  
10 properly identified.

11 B. The Inspector General shall make recommendations to OPA for remedying any  
12 issues noted in its quarterly audit and publicly report the results of the classification audits and  
13 any of OIG’s associated recommendations.

14 C. OIG may require that the OPA Director submit each proposed classification  
15 decision to OIG for review and input prior to OPA making a final classification determination  
16 until such time OIG determines that such increased involvement in classifications is no longer  
17 needed, in which case quarterly classification audits shall resume.

18 Section 23. A new Section 3.29.112 of the Seattle Municipal Code is added to Subchapter  
19 II of Chapter 3.29 as follows:

20 **3.29.112 Office of Inspector General for Public Safety—Review of OPA investigations**

21 A. OIG shall review certain OPA investigations as described below prior to  
22 certification by the OPA Director to determine whether the investigation was thorough, timely,  
23 objective, and in compliance with the OPA Manual.

1                   1.       After OPA believes an investigation to be complete, OIG shall review all  
2 investigations involving misconduct allegations concerning violations of law; honesty; use of  
3 force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position  
4 or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct;  
5 retaliation; harassment; responsibilities of employees regarding complaints of misconduct;  
6 discretion and authority; primary investigations; stops, detentions and arrests; or search and  
7 seizure.

8                   2.       Additionally, OIG shall have discretion to direct at the time of  
9 classification or during the investigative process that any other investigation not including the  
10 allegations listed in subsection 3.29.112.A.1 be submitted by OPA for review and certification.

11                  3.       Other than investigations that involve Type III Force as defined in this  
12 Chapter 3.29, if OIG determines that the quality of investigations is such that individual  
13 investigation review is no longer needed, OIG may instead require the OPA Director submit only  
14 certain investigations or certain categories of investigation for review by OIG and otherwise  
15 conduct random investigation audits. Should those audits raise concerns, OIG shall have the  
16 discretion to reinstitute individual investigation review in whatever manner and duration is  
17 needed to address the concerns.

18                  B.       The OPA Director shall submit all required or requested initial and subsequent  
19 investigations to OIG for OIG’s review sufficiently in advance of contractual deadlines in order  
20 to allow for additional investigation as requested or directed by OIG and still ensure discipline  
21 may be imposed should a sustained finding result. OIG shall complete its review of initial and  
22 subsequent investigations in a timely manner, so as to also meet contractual deadlines.

1           C.     If OIG determines that the investigation is thorough, timely, and objective, OIG  
2 shall certify the investigation as complete. After such certification, OPA Director shall issue  
3 recommended findings to the Chief of Police.

4           D.     If OIG finds that the investigation is not ready to be certified, OIG may request or  
5 direct further investigation. Upon completion of any additional work requested or directed by  
6 OIG, the case shall be re-submitted to OIG for certification before the OPA Director may issue  
7 proposed findings.

8           E.     If additional investigation is requested by the Chief of Police after a due process  
9 hearing, the case shall be re-submitted to OIG for re-certification following the additional  
10 investigation.

11          F.     After reviewing the investigation, OIG shall document in writing the investigation  
12 as (1) certified as thorough, timely, and objective; (2) not certified because the investigation is  
13 not thorough, timely, and objective but additional investigation is not requested or directed, and  
14 the reason; or (3) not certified because the investigation is not thorough and objective, along with  
15 any requested or directed further investigation to be conducted by OPA or a request to meet with  
16 the OPA Director to discuss possible further investigation.

17               1.     Should additional investigation be requested or directed by OIG, upon  
18 completion of the additional investigatory work, the investigation shall be re-submitted for  
19 certification. The certification memorandum by OIG shall be included as an exhibit in the case  
20 file indicating the date of review, whether the case has been certified, whether further action is  
21 requested or directed, and if not certified, the reasons.

22               2.     Criteria OIG should consider in reviewing investigations include, but are  
23 not limited to: (a) whether witnesses were contacted, interviewed, and all other material evidence

1 was timely collected; (b) whether interviews were thorough and unbiased and conflicting  
2 testimony was sufficiently addressed; (c) whether additional clarifying information would  
3 strengthen the investigation; (d) whether the written summary and analysis are objective and  
4 accurately reflect the evidence; and (e) whether applicable OPA procedures were followed and  
5 the intake and investigation were conducted in accordance with the OPA Manual.

6 G. If within ten days after being notified that an investigation has been preliminarily  
7 completed, OIG has not advised OPA of concerns with the investigation, the OPA Director may  
8 certify the case and issue findings. In these instances, OIG is precluded from requiring further  
9 investigation.

10 H. If OIG determines an investigation is not thorough, timely, or objective, and that  
11 additional investigation cannot or did not remedy the concern, the OPA Director must include  
12 this determination in the recommended findings and the Chief of Police may take OIG’s non-  
13 certification into account in making a final findings determination.

14 Section 24. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance  
15 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

16 ~~((3.28.850))~~ **3.29.113 Office of ((Professional Accountability Auditor established)) Inspector**  
17 **General for Public Safety—Qualifications**

18 ~~((A.—There shall be an Office of Professional Accountability Auditor (hereinafter~~  
19 ~~“OPA Auditor”) who shall be appointed by the Mayor, subject to confirmation by the City~~  
20 ~~Council, to provide review and assessment of Office of Professional Accountability (hereinafter~~  
21 ~~“OPA”) complaints and of Police Department policies and practices related to police~~  
22 ~~accountability and professional conduct. The OPA Auditor shall serve a term of three years and~~  
23 ~~may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by~~



1 ~~the City Council. No individual may serve more than three three year terms as OPA Auditor.~~  
2 ~~Should an OPA Auditor take office at any time after commencement of a regular term, the~~  
3 ~~expiration of that term shall remain unaffected. The OPA Auditor may be removed from office~~  
4 ~~for cause by the Mayor by filing a statement of reasons for removal with the City Council. The~~  
5 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's~~  
6 ~~annual budget.~~

7 ~~B-))~~ The Inspector General shall be a civilian with a background in criminal, civil rights, labor  
8 law, governmental investigations, and/or the management of governmental auditing; shall not be  
9 required to have law enforcement experience; and shall not have been formerly employed by  
10 SPD. The Inspector General shall have a demonstrated ability to lead and manage staff in  
11 auditing, evaluating, and conducting investigations; conducting financial and performance  
12 audits; analyzing and assessing complex aggregate data for patterns and trends; and in  
13 recommending systemic improvements to policies and practices to support constitutional  
14 policing, ongoing system effectiveness, and police excellence. The ((OPA Auditor)) Inspector  
15 General should ((possess)) also have the following additional qualifications and characteristics  
16 ((at the time of appointment and throughout his or her term)):

17 ~~((1-))~~ A. A reputation for integrity and professionalism, ~~((as well as))~~ and the  
18 ability to maintain a high standard of integrity and professionalism in the office;

19 ~~((2-))~~ B. ~~((A commitment to and knowledge))~~ Knowledge of the ~~((need for and))~~  
20 responsibilities of law enforcement ~~((as well as the need))~~ and a commitment to protect the basic  
21 constitutional rights of all affected parties;

22 ~~((3-))~~ C. A commitment to the statements of purpose and policies in this ~~((chapter))~~  
23 Chapter 3.29;

1           ~~((4.))~~ D.           A history of ~~((demonstrated))~~ leadership experience ~~((and ability))~~ ;

2           ~~((5.—The potential for gaining the respect of complainants, Police Department~~  
3 ~~personnel, and the citizens of this City;~~

4           ~~6.))~~ E. The ability to ~~((work))~~ relate, communicate, and engage effectively with all who  
5 have a stake in policing, including, but not limited to, the general public, complainants,  
6 disenfranchised communities, SPD employees, and relevant City and other officials including the  
7 Mayor, City Council, City Attorney, Chief of Police, OPA Director, ~~((other Police Department~~  
8 ~~personnel, OPA Review Board, other public agencies, private organizations, and citizens))~~ and  
9 CPC;

10           ~~((7.))~~ F.           ~~((The ability, as shown by previous experience, to work with))~~ An  
11 understanding of the city’s ethnic and socio-economic diversity, and proven experience working  
12 with and valuing the perspectives of diverse groups and individuals; and

13           ~~((8.))~~ G.           The ability to ~~((maintain))~~ exercise sound judgment, independence,  
14 fairness, and objectivity in an environment where controversy is common.

15           ~~((C.—In addition to the qualifications and characteristics set forth in subsection B~~  
16 ~~above, the OPA Auditor shall possess the following qualification: the OPA Auditor must be a~~  
17 ~~graduate of an accredited law school and member in good standing of the Washington State Bar~~  
18 ~~Association and, prior to appointment, have at least five years of experience in the practice of~~  
19 ~~law or in a judicially related field.~~

20           ~~D.—The Chief of Police shall cause a thorough background check of nominees for~~  
21 ~~OPA Auditor identified by the Mayor and shall report the results to the Mayor.))~~

1 Section 25. A new Section 3.29.114 of the Seattle Municipal Code is added to Subchapter  
2 II of Chapter 3.29 as follows:

3 **3.29.114 Office of Inspector General for Public Safety—Appointment and removal**

4 A. The Inspector General shall be appointed and reappointed in accordance with the  
5 process described in this Section 3.29.114. For appointments, the City Council committee  
6 responsible for public safety matters (“public safety committee”) shall select from up to three  
7 qualified finalists identified by a search committee through a national process using merit-based  
8 criteria. CPC Commissioners shall constitute at least 25 percent of the search committee, one of  
9 whom shall serve as one of the search committee co-chairs. The public safety committee shall  
10 either appoint from among the finalists or initiate a new search. The appointee shall be confirmed  
11 by a majority vote of the full City Council. The public safety committee shall receive input from  
12 the CPC and the OPA Director prior to reappointments.

13 B. The Inspector General may be appointed for up to two, six-year terms for a total  
14 of 12 years. The terms shall be set to end in years separate from the OPA Director’s term of  
15 office. Each term year shall commence on July 1, except for the first term of the first Inspector  
16 General appointed pursuant to this Chapter 3.29, which will commence immediately following  
17 City Council confirmation. To ensure that the Inspector General’s term ends on a year offset  
18 from the expiration of the OPA Director’s term, the first term of the first Inspector General  
19 appointed pursuant to this Chapter 3.29 shall be a five-year term, and will include and not be  
20 limited by time served in office after confirmation but prior to July 1. The first Inspector General  
21 appointed pursuant to this Chapter 3.29 may serve two subsequent six-year terms.

22 C. Each appointment and reappointment shall be made whenever possible  
23 sufficiently prior to the expiration of the latest incumbent’s term of office, or the effective date of

1 an incumbent’s resignation, permitting City Council action to appoint or reappoint at least 45  
2 days before the expiration of the present term or the effective date of the resignation, so as to  
3 have a seamless transition without a gap in oversight. If the public safety committee does not  
4 make an appointment or reappointment or does not initiate a new search within 90 days of the  
5 first day of the expiration of a term or of a vacancy, the Mayor shall appoint the Inspector  
6 General subject to confirmation by a majority vote of the full City Council. If the City Council  
7 rejects the committee’s appointee, the committee shall appoint a new Inspector General within  
8 90 days and such appointment shall be consistent with this Section 3.29.114, and subject to  
9 confirmation by a majority vote of the full City Council. If the City Council does not act on the  
10 committee’s appointee within 30 days of the submittal of the nomination to the City Council, the  
11 appointee shall be deemed to have been confirmed.

12 D. In the event of a vacancy, the City Council President shall designate an interim  
13 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector  
14 General is appointed. If the City Council President does not designate an interim Inspector  
15 General within ten days of the first day of the vacancy, the City Attorney’s Office shall provide  
16 notice to the Mayor and the interim Inspector General shall be designated by the Mayor. The  
17 interim Inspector General may be either an OIG employee or an individual from outside OIG,  
18 but must meet key qualifications in Section 3.29.113. An Inspector General whose term is ending  
19 may continue on an interim basis until a successor has been confirmed by the City Council. An  
20 interim term shall not count as a full term for the purposes of calculating term limits under this  
21 Section 3.29.114.

1           E.       To strengthen the independence of the Inspector General, the City Council may  
2 remove the Inspector General from office only for cause, and in accordance with the following  
3 provisions:

4                   1.       Upon a majority vote of the full City Council initiating removal, the City  
5 Council President shall give written notice, specifying the basis for the intended removal, to the  
6 Inspector General, the Mayor, the OPA Director, and the CPC Executive Director.

7                   2.       Within ten days after receipt of the notice, the Inspector General may file with  
8 the City Council President and the Chair of the public safety committee a request for a hearing  
9 on the cause for removal. The Inspector General’s request for a hearing shall be delivered at the  
10 same time to the Mayor, the OPA Director, the Chief, and the CPC Executive Director. If such  
11 request is made, the City Council shall convene a hearing on the cause for removal in the public  
12 safety committee not sooner than 30 days and not more than 60 days following the Inspector  
13 General’s request for a hearing, at which the Inspector General may appear, be represented by  
14 publicly-funded counsel, and be heard. The City Council shall vote to approve or reject the  
15 removal within 30 days of the hearing.

16                  3.       If no request for a hearing is made, the City Council shall vote to approve  
17 or reject the removal within 30 days of issuing notice of the intended removal, following input  
18 from CPC.

19                  4.       A two-thirds vote of the full City Council is required to approve removal.

20           F.       The Seattle Department of Human Resources shall obtain from an outside law  
21 enforcement agency a thorough background check of nominees for Inspector General and report  
22 the results to the appointing authority, prior to the City Council taking final action on the  
23 appointment.

1 Section 26. Section 3.28.860 of the Seattle Municipal Code, last amended by Ordinance  
2 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

3 ~~((3.28.860 OPA Auditor to prepare semiannual report.))~~ **3.29.115 Office of Inspector**  
4 **General for Public Safety—Audits, Reviews and Reporting**

5 ((The OPA Auditor shall prepare a semiannual report of his or her audit activities and  
6 submit the report to the City Council, Chief of Police, City Attorney, Mayor, OPA Review  
7 Board, and City Clerk for filing as a public record. The OPA Auditor’s report shall be prepared  
8 in accordance with the following provisions:))

9 A. OIG’s audits and reviews may include any and all police operations, for  
10 the purposes of determining whether SPD is meeting its mission to address crime and improve  
11 quality of life through the delivery of constitutional, professional, and effective police services  
12 consistent with best practices, and meeting its mission in a way that reflects the values of  
13 Seattle’s diverse communities. These audits and reviews may include, but are not limited to:

14 1. All SPD and OPA policies, regulations, practices, budgets, and  
15 consultant contracts;

16 2. SPD administrative investigation unit processes, such as force  
17 review and collision review;

18 3. SPD crime data and SPD’s overall crime data collection and  
19 reporting practices;

20 4. Recruitment, hiring, post-Academy and in-service training,  
21 promotions, assignments, use of overtime, secondary employment, deployment, and supervision,  
22 including command and front-line supervisory functions;

- 1                                    5.        The effectiveness of any early intervention or performance
- 2 mentoring system in supporting improved officer performance and mitigating misconduct;
- 3                                    6.        Technology and systems of data collection, management, and
- 4 analysis;
- 5                                    7.        The acquisition of, uses, and significant changes to tactical
- 6 equipment, vehicles, facilities and uniforms;
- 7                                    8.        The accuracy and thoroughness of video recording reviews and the
- 8 appropriate recording and retention of video recordings;
- 9                                    9.        Patterns, including disparate impacts, in SPD deployment, uses of
- 10 force, re-classifications of levels and types of force; stops, arrests, searches, and interactions with
- 11 those in behavioral crisis;
- 12                                    10.      Incidents of significant concern to the public, such as those
- 13 involving injury or death in police custody or the management of demonstrations;
- 14                                    11.      Patterns in complaints and misconduct outcomes involving, among
- 15 other categories, use of force and biased policing;
- 16                                    12.      Assessment of the fairness, objectivity, certainty, timeliness,
- 17 consistency, and the appropriate application and effectiveness of imposed discipline in sustained
- 18 misconduct cases;
- 19                                    13.      Evaluation of the final outcomes of appeals and grievances and
- 20 whether overturned findings or discipline, or other settlements, suggest opportunities to improve
- 21 OPA processes and SPD training;
- 22                                    14.      Assessment of inquests, federal and local litigation, and their final
- 23 outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout

1 amounts over time, units disproportionately represented as subjects of claims and lawsuits,  
2 related training, and review of the investigation of the underlying incidents described in such  
3 claims and lawsuits; and

4 15. Evaluation of appropriate SPD records retention, and conformity to  
5 public disclosure, open access to information, and privacy standards.

6 B. OIG shall maintain a website, consistent with City Information Technology  
7 standards and shall, with the assistance of CPC, conduct community outreach to inform the  
8 public about OIG’s role and scope of responsibilities.

9 C. In partnership with CPC, OIG shall periodically evaluate and issue reports on how  
10 effective SPD’s processes are in meeting community needs for a diverse work force, including  
11 the relevance of traditional disqualifying factors and the swiftness of decision-making, to assess  
12 if there are unfair impediments to hiring and retaining diverse and skilled officers.

13 D. To effectuate the purposes of this Chapter 3.29, the Inspector General shall, in  
14 addition to the timely publishing of OIG audits and studies, issue an annual public report. The  
15 Inspector General shall produce annual reports that are readily understandable, responsive to  
16 issues and trends of concern, and allow for meaningful comparison of patterns and trends over  
17 time which are useful to policymakers and the public; the Inspector General shall request CPC’s  
18 assistance in doing so. The annual report shall include at least the following:

19 1. An analysis of the extent to which the purpose, duties, and responsibilities  
20 detailed in this Chapter 3.29 have been met;

21 2. An analysis of the extent to which prior recommendations for improvements have  
22 been implemented; and, if they have not, the reasons;

23 3. The results of OIG’s evaluation of OPA’s complaint-handling system,



1           4. A summary of all cases of significant public concern, including the outcome of reviews  
2 by SPD units of officer-involved shootings and in-custody deaths and OIG’s review or  
3 investigation of any other such incidents affecting public confidence and trust,

4           5. Analyses of patterns and trends,

5           6. Summaries of its performance audits,

6           7. An assessment of research and successful practices in other jurisdictions;

7           8. Any OIG recommendations for changes in the mix of OPA sworn and civilian staff;

8           9. Any OIG recommendations for changes in policies and practices, collective  
9 bargaining agreements, City ordinances, and state laws; and

10           10. A summary of information received from OIG’s hotline, any of its other anonymous  
11 intake systems, and from community outreach that has informed its work.

12           ~~((A-))~~ E.       ~~((The OPA Auditor’s report))~~ With respect to OIG’s oversight of OPA’s  
13 complaint-handling system, the annual report shall contain a general description of the ((files and  
14 records)) complaints and cases reviewed, and should include, but not be limited to:

15           1.       The number of ~~((cases))~~ investigations reviewed, ~~((by the OPA Auditor))~~ a  
16 description of those cases in which OIG did not certify, those cases for which OIG requested or  
17 required further investigation, and a description of OPA’s follow-up;

18           ~~((2.— The number of and a description of OPA cases in which the Auditor~~  
19 ~~requested or required further investigation and a description of the OPA’s responses;~~

20           3. — The number of and a description of OPA complaints for which the OPA  
21 Auditor requested reclassification or further investigation and a description of the OPA’s  
22 responses;))

1                    2.        The semi-annual reviews of OPA complaint-handling for cases not  
2 investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid  
3 Adjudication, Management Actions and Training Referrals;

4                    ~~((4.))~~ 3.        ((A summary of issues, problems and)) A description of any  
5 concerns or trends noted ((by the OPA Auditor as a result of his or her review)) in OPA  
6 complaint intake and investigations;

7                    4.        A description of patterns and concerns identified from review of inquests  
8 and from review of claims and lawsuits alleging SPD misconduct, including judgments and  
9 settlements, units disproportionately represented as subjects of claims and lawsuits, and related  
10 training;

11                    5.        A description of other issues, problems, and trends noted by OIG as a  
12 result of OIG’s oversight;

13                    ~~((5. — Any recommendations that the Department consider additional officer~~  
14 ~~training, including recommendations that the Department consider specialized training for IIS~~  
15 ~~investigators;~~

16                    ~~6. — Any recommendations the Department consider policy or procedural~~  
17 ~~changes; and))~~

18                    6.        Recommendations that SPD or OPA make policy, practice, training, or  
19 procedural changes; and

20                    7.        ((Any findings)) Findings from audits of OPA records or the OPA  
21 Director’s reports.

22                    ~~((B. — The OPA Auditor’s report shall not contain any recommendations concerning the~~  
23 ~~discipline of any particular police officer, nor shall the report comment upon or make any~~

1 ~~recommendation concerning potential civil or criminal liability of any employee, police officer,~~  
2 ~~or citizen.))~~

3 ((C:)) F. The ((OPA Auditor)) Inspector General shall deliver a preliminary draft of  
4 ((his/her semiannual report)) the reports to the ((OPA Director and)) Chief ((of Police)), the OPA  
5 Director, CPC Executive Director, or other City directors, when any of their departments or  
6 offices is the subject of the report, for review and comment. ((The OPA Director and Chief of  
7 Police)) They shall review and comment on the preliminary report to the Inspector General  
8 within ((10 working days)) ten days after receipt of the report. They shall not release or distribute  
9 the report to others during the review period. The ((OPA Auditor)) Inspector General shall  
10 ((submit)) then issue the final report within ((10 working days)) ten days after receipt of ((the  
11 Director's and Chief's)) any comments.

12 G. OIG shall post online and electronically distribute its reports to the Mayor, City  
13 Attorney, City Council, Chief of Police, OPA Director, and CPC, as well as to the City Clerk for  
14 filing as a public record.

15 Section 27. Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance  
16 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

17 ~~((3.28.870))~~ **3.29.125 Office of Inspector General for Public Safety— ((Confidentiality of**  
18 **files)) Files and records**

19 A. ~~((In discharging his or her responsibilities, the OPA Auditor))~~ The Inspector  
20 General shall protect the confidentiality of ((Department)) OPA and SPD files and records to  
21 which ((s/he)) OIG has been provided access to the extent permitted by applicable law and  
22 collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in  
23 the same manner and to the same degree as ((s/he)) the Inspector General would be obligated to

1 protect attorney-client privileged materials under legal and ethical requirements. The ((OPA  
2 Auditor)) Inspector General shall also be bound by the confidentiality provisions of the Criminal  
3 Records Privacy Act, chapter 10.97 RCW, ((RCW Chapter 10.97)) and ((Public Disclosure Act  
4 (RCW Section 42.17.250 et seq.))) disclosure limitations under state and federal law. The ((OPA  
5 Auditor)) Inspector General shall not identify the ((subject of an investigation)) named employee  
6 in an OIG audit in any public report required by this ((chapter)) Chapter 3.29.

7 B. OIG shall make every reasonable effort to maintain the security of files belonging  
8 to other City departments and offices while in the Inspector General’s possession.

9 C. Upon completion of an audit, the Inspector General shall return to the City  
10 department or agency all original files, reports, and records to which the Inspector General has  
11 been provided access.

12 Section 28. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified as  
13 Subchapter III of Chapter 3.29 and amended as follows:

14 **Subchapter ((IX)) III ((Office of Professional Accountability Board)) Community Police**  
15 **Commission**

16 Section 29. A new Section 3.29.200 of the Seattle Municipal Code is added to Subchapter  
17 III of Chapter 3.29 as follows:

18 **3.29.200 Community Police Commission established—Functions and authority**

19 A. One of the cornerstones of effective oversight of law enforcement is community  
20 involvement. The Community Police Commission is established to fulfill the purposes set forth  
21 in Section 3.29.005.

22 B. CPC was originally established by ordinance with responsibilities under the  
23 Consent Decree between The City of Seattle and the United States Department of Justice. The

1 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in  
2 this Chapter 3.29. It is the City’s intention that civilian oversight be enhanced and broadened  
3 beyond the scope set forth in the Consent Decree in order to better serve the public. To the  
4 extent not otherwise covered by this Chapter 3.29, CPC shall continue to fulfill the  
5 responsibilities of CPC as set forth in the Consent Decree and Memorandum of Understanding in  
6 *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent  
7 Decree ends. Until such time as the Consent Decree ends, CPC shall prioritize these ongoing  
8 responsibilities over any additional responsibilities set forth in this Chapter 3.29.

9 C. CPC shall review and provide input to OPA, OIG, SPD, and other City  
10 departments and offices, including the Mayor, City Council, and City Attorney on the police  
11 accountability system, police services, and SPD policies and practices of significance to the  
12 public, consistent with the purposes of this Chapter 3.29. Such review may include input on  
13 policy and practice changes recommended by the OPA Director, the Inspector General, or SPD.

14 D. CPC shall be responsive to community needs and concerns through means  
15 including, but not limited to, the following:

16 1. Engaging in community outreach to obtain the perspectives of community  
17 members and SPD employees on police-community relations, SPD policies and practices, the  
18 police accountability system, and other matters consistent with the purposes of this Chapter 3.29.

19 2. Maintaining connections with representatives of disenfranchised  
20 communities and with other community groups in all of the City’s legislative districts, as well as  
21 with SPD demographic and precinct advisory councils.

22 3. Providing SPD, OPA and OIG with community feedback relevant to their  
23 operations received as a result of its public outreach activities.

1                   4.       Providing technical assistance on community matters to OPA and OIG, as  
2 reasonably requested and consistent with the purposes of this Chapter 3.29.

3                   E.       Identify and advocate for reforms to state laws that will enhance public trust and  
4 confidence in policing and the criminal justice system. Such advocacy may include, but is not  
5 limited to, reforms related to the referral of certain criminal cases to independent prosecutorial  
6 authorities, officer de-certification, pension benefits for employees who do not separate from  
7 SPD “in good standing,” and the standards for arbitrators to override termination decisions by  
8 the Chief of Police.

9                   Section 30. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance  
10 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

11 ~~((3.28.900))~~ **3.29.205 Office of ((Professional Accountability Board established.)) the**  
12 **Community Police Commission—Established**

13                   ~~((A.))~~ There is created an Office of ~~((Professional Accountability Review Board~~  
14 ~~(hereinafter “OPA Review Board”))~~ the CPC. The purpose of the ~~((OPA Review Board))~~ Office  
15 of the CPC is to ~~((review the quality of the Office of Professional Accountability’s (OPA)~~  
16 ~~complaint handling process; to advise the City on Police Department policies and practices~~  
17 ~~related to police accountability and professional conduct; and to organize and conduct public~~  
18 ~~outreach on behalf of itself, the OPA and the OPA Auditor; all to enhance the quality and~~  
19 ~~credibility of the City’s police accountability system and thereby maintain public confidence in~~  
20 ~~the professionalism and effectiveness of the Police Department))~~ administer and manage the  
21 functions of CPC.

1           ~~((B.—The OPA Review Board shall not participate in the investigation or disposition of~~  
2 ~~complaints to the OPA, and shall not seek to influence the course or outcome of specific OPA~~  
3 ~~complaint investigations or the discipline of specific police officers.~~

4           ~~C.—The OPA Review Board shall consist of seven members. Four members shall be~~  
5 ~~considered a quorum.))~~

6           Section 31. A new Section 3.29.206 of the Seattle Municipal Code is added to Subchapter  
7 III of Chapter 3.29 as follows:

8 **3.29.206 Office of the Community Police Commission—Executive Director**

9           A.     The term of the current CPC Executive Director (Executive Director) appointed  
10 pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current  
11 Executive Director may be reappointed to subsequent terms consistent with the requirements of  
12 this Chapter 3.29.

13           B.     Executive Director—Appointment

14                 1.     There shall be an Executive Director, appointed by CPC. The position of  
15 Executive Director shall be exempt from the classified civil service. The Executive Director shall  
16 not have been formerly employed by SPD. The term of the Executive Director position is six  
17 years.

18                 2.     Each Executive Director’s initial appointment is subject to confirmation  
19 by the City Council. Reappointment of an Executive Director to successive terms by CPC is not  
20 subject to City Council confirmation. If an individual who previously served as Executive  
21 Director is again appointed after a different individual was confirmed as the Executive Director  
22 by the City Council that new appointment is subject to City Council confirmation as an initial  
23 appointment.

1                   3.       If an individual is reappointed to a successive term as Executive Director  
2 within 60 days prior to or 60 days after the expiration of that individual’s term, the ensuing term  
3 begins on the date the prior term expired. If an individual is reappointed to a successive term as  
4 Executive Director more than 60 days prior to or 60 days after the expiration of the individual’s  
5 term, the new term begins on the date of reappointment unless CPC chooses, at the time of  
6 reappointment, to make the new term begin on the date the prior term expires or expired.

7                   4.       Each appointment shall be made whenever possible sufficiently prior to  
8 expiration of the latest incumbent’s term of office, permitting City Council action to approve or  
9 disapprove an appointment at least 60 days before the expiration of the present term, so as to  
10 have seamless transition without a gap in leadership.

11                  5.       In the event of a vacancy, CPC shall designate an interim Executive  
12 Director within ten days of the first day of the vacancy. The interim Executive Director shall  
13 meet the key qualifications set forth in this Chapter 3.29.

14                  C.       CPC may remove the Executive Director only for cause upon a majority vote of  
15 its membership.

16                  D.       CPC shall annually evaluate the performance of the Executive Director, after  
17 soliciting perspectives from City officials and community members with whom the Executive  
18 Director interacts in the course of performing the Executive Director’s duties.

19                  E.       The CPC Executive Director shall have the authority and responsibility to:

20                    1.       Oversee and manage the functions of the Office of the CPC to advance the  
21 mission of the Office and perform other duties as CPC may prescribe;



1                   2.       Hire, supervise, and discharge employees of the Office of the CPC.

2 Employees of the Office of the CPC shall collectively have the requisite credentials, skills, and  
3 abilities to fulfill the duties and obligations of CPC set forth in Chapter 3.29;

4                   3.       Manage the preparation of CPC’s proposed budget, authorize necessary  
5 expenditures, and enter into contracts for professional and other services in accordance with the  
6 adopted budget, develop and manage programs, and undertake authorized activities;

7                   4.       Execute, administer, modify, and enforce such agreements and  
8 instruments as the CPC Executive Director shall deem necessary to implement programs and  
9 carry out the responsibilities, functions, and activities of the Office; apply for grants and  
10 donations for Commission programs; and solicit and use volunteer services;

11                  5.       Represent, together with Commissioners, CPC in providing testimony and  
12 expertise to City departments and offices, commissions, and other organizations pertaining to  
13 issues of constitutional policing; and

14                  6.       Exercise such other and further powers and duties as prescribed by this  
15 Chapter 3.29.

16                  Section 32. A new Section 3.29.210 of the Seattle Municipal Code is added to Subchapter  
17 III of Chapter 3.29 as follows:

18 **3.29.210 Community Police Commission—Independence**

19                  A.       CPC is self-governing and functionally independent. CPC may adopt bylaws to  
20 govern its own activities. An annual budget to support sufficient staffing and resources for  
21 effective CPC operations shall be submitted annually by the Executive Director separate and  
22 distinct from the Mayor’s budget.

1           B.       The CPC Executive Director shall have authority for the hiring, supervision, and  
2 discharge of all employees of the Office of the CPC. No employee of the Office of the CPC  
3 shall have been formerly employed by SPD as a sworn officer.

4           C.       Without the necessity of making a public disclosure request, CPC may request  
5 and shall timely receive from other City departments and offices, including SPD, information  
6 relevant to its duties under this Chapter 3.29 that would be disclosed if requested under the  
7 Public Records Act.

8           Section 33. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance  
9 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

10 ~~((3.28.905 Appointment of the OPA Review Board))~~ **3.29.215 Community Police**

11 **Commission—Commission**

12           ~~((A.—The City Council shall appoint the seven members of the OPA Review Board.  
13 The first term of any member shall be no longer than two years. Members may be reappointed to  
14 up to three subsequent two year terms; no individual may serve more than four terms. Members  
15 shall serve staggered terms such that no more than four members’ terms shall expire in any year.  
16 Should any member take office at any time after commencement of a regular term, the expiration  
17 of that term shall remain unaffected. The City Council may remove a member from office for  
18 cause by filing a statement of reasons for removal. Members shall be compensated as provided  
19 by ordinance. The compensation of members and other resources necessary for the OPA Review  
20 Board shall be appropriated in the budget of the Legislative Department.))~~

21           A.       CPC shall have the authority and responsibility to:

22                   1.       Appoint a CPC co-chair and any other CPC Commissioners to serve on  
23 the search committees for OPA Directors and Inspectors General, identify qualified finalists,

1 advise the appointing authority on these appointments, and review and provide input to the  
2 appointing authority on the reappointment or removal of OPA Directors and Inspectors General.

3 2. Assign at least one Commissioner to represent each Council district. Each  
4 Commissioner representing a Council district shall live, work, or have significant professional or  
5 civic ties in that district; demonstrate a deep understanding of neighborhood issues; actively  
6 engage the people within the Council district on a regular basis; and regularly report back to CPC  
7 on community issues on law enforcement in the Council district.

8 3. Convene an annual meeting to receive public comments and present to the  
9 community highlights of CPC's annual report.

10 4. Convene meetings with and lead stakeholders in assessing the need for  
11 and developing a complainant appeal process that is consistent with employee due process rights,  
12 and provide any recommendations adopted by the stakeholder group to policymakers for  
13 consideration. If established under City ordinance or policy, CPC shall periodically review the  
14 fairness and effectiveness of such civilian appeal process.

15 5. Monitor the implementation by SPD, OPA, City elected officials, and other  
16 City departments and offices of recommendations made by the Inspector General, the OPA  
17 Director, and CPC.

18 6. Review reports required by this Chapter 3.29 and any recommendations of  
19 the OPA Director and the Inspector General.

20 7. Pursuant to subsection 3.29.110.A.20, annually review OIG's workplan  
21 and recommend to the Inspector General specific areas for OIG investigation and evaluation,  
22 including emergent issues that arise that in CPC's judgment are needed to support public  
23 confidence in SPD and related criminal justice practices.

1                   8. Review closed OPA investigations and any other SPD or OPA data to  
2 identify opportunities for systemic improvements. However, CPC shall not serve as a review  
3 board for individual investigations; shall not evaluate or opine on the sufficiency of the evidence,  
4 findings, or determinations of any specific OPA investigations; and shall not seek to influence  
5 the course or outcome of any specific OPA investigation, or the findings, discipline, or other  
6 remedial action recommended or imposed in such cases.

7                   9. Collaborate with SPD, OPA, and the City Attorney’s Office in improving  
8 system transparency, including improving SPD public disclosure procedures and providing for  
9 timely online posting by OPA of information about the status of investigations and their  
10 outcomes.

11                   10. Review and provide input into SPD recruiting, hiring, and promotional  
12 practices.

13                   11. Review and comment on any revisions proposed by OPA to the OPA  
14 Manual, in accordance with a process established by the OPA Director that provides for  
15 consultation and input prior to final adoption of revisions.

16           B.       ~~((Each OPA Review Board member shall at the time of appointment and~~  
17 ~~throughout his or her term:)) Qualifications~~

18                   1. Commissioners shall be respected members of Seattle’s many diverse  
19 communities. All Commissioners shall reside or work in Seattle as set forth in this Section  
20 3.29.215 and shall be geographically representative of the City of Seattle in a distribution that  
21 allows CPC to assign Council district representatives in accordance with the requirements of  
22 SMC 3.29.215.A.2.

1                   2. Commissioners shall be representative of Seattle’s diverse population,  
2 drawn from different socio-economic backgrounds and racial and ethnic groups, including  
3 immigrant/refugee communities, and from the African-American, LGBTQ, youth, faith,  
4 business, and other communities reflecting the overall demographics of Seattle residents. Some  
5 shall represent or be knowledgeable of the issues of those who are limited-English speakers,  
6 homeless, or who have mental illness and substance abuse disorders.

7                   3. Individual Commissioners shall have expertise in law enforcement; police  
8 accountability; human resources; community engagement; organizational change; constitutional,  
9 criminal, or labor law; social justice; training; or other disciplines important to CPC’s work.  
10 Collectively, Commissioners shall have a deep understanding of community interests and needs,  
11 all shall have general knowledge of police accountability matters, and some shall have extensive  
12 subject matter expertise, including in the areas of law enforcement oversight, human rights, civil  
13 rights and civil liberties, and cultural competency. Altogether, there shall be a balance that  
14 allows CPC as a whole to benefit from the knowledge and expertise of its individual members.

15                   4. At least two Commissioners shall be graduates of an accredited law school and  
16 members in good standing of the Washington State Bar Association, with significant experience  
17 in the fields of public defense and civil liberties law. CPC membership shall include a  
18 representative of the Seattle Police Officers Guild (SPOG) and a representative of the Seattle  
19 Police Management Association (SPMA). The representatives from SPOG and SPMA should  
20 have background relevant to police-community relations and demonstrated connection to the  
21 membership of their respective unions.

22                   5. All Commissioners shall have the following qualifications and  
23 characteristics:

1                                    ~~((1.))~~ a.            ~~((Have a))~~ A reputation for integrity and professionalism,  
2 ~~((as well as the ability to maintain a high standard of integrity in the office))~~ and for  
3 effectiveness in a board or commission role;

4                                    ~~((2.))~~ b.            ~~((Have a))~~ A commitment to and ~~((knowledge))~~  
5 understanding of the need for and responsibilities of law enforcement, including enforcement  
6 and care-taking, ((as well as)) and the need to protect the constitutional rights of all affected  
7 parties;

8                                    ~~((3.))~~ c.            ~~((Have a))~~ A commitment to the statements of purpose and  
9 policies in this ~~((chapter))~~ Chapter 3.29;

10                                   ~~((4.))~~ d.            ~~((Have a))~~ A history of ~~((demonstrated))~~ leadership  
11 experience ~~((and ability))~~ or deep roots in communities represented;

12                                   ~~((5.— Have the potential for gaining the respect of complainants,~~  
13 ~~departmental personnel, and the citizens of this City;~~

14                                   ~~6.))~~ e. ~~((Be able to work))~~ The ability to relate to, communicate, and  
15 engage effectively with ((the City Council, departmental personnel, public agencies, private  
16 organizations, and citizens)) all who have a stake in policing, including, but not limited to, the  
17 general public, complainants, disenfranchised communities, SPD employees, and relevant City  
18 and other officials including the Mayor, City Council, City Attorney, Chief of Police, OPA  
19 Director, Inspector General, and other CPC members;

20                                   ~~((7.))~~ f.            ~~((Be able to work with diverse groups and individuals, as~~  
21 ~~shown by previous experience;))~~ An understanding of the city’s ethnic and socio-economic  
22 diversity, and proven experience working with and valuing the perspectives of diverse groups  
23 and individuals; and

1    ~~((8.))~~ g.            ~~((Be able to maintain))~~ The ability to exercise sound  
2 judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a  
3 manner that reflects sound judgment, independence, fairness, and objectivity in an environment  
4 where controversy is common.

- 5    ~~((9. — Be a high school graduate or recipient of a general equivalency diploma;~~  
6    ~~10. — Be a United States citizen or lawfully authorized for employment in the~~  
7 ~~United States;~~  
8    ~~11. — Be at least 21 years of age;~~  
9    ~~12. — Not have been convicted of or plead guilty to a felony, crime of violence,~~  
10 ~~or offense involving moral turpitude, or any plea thereto; and~~  
11    ~~13. — Be able to comply with the appearance of fairness doctrine.~~

12    ~~In addition, at any given time, at least one member of the OPA Review Board shall be a~~  
13 ~~graduate of an accredited law school and a member in good standing of the Washington State~~  
14 ~~Bar Association; at least one other member shall have significant experience in community~~  
15 ~~involvement, organizing and outreach; at least one other member shall have at least five years~~  
16 ~~experience as a sworn law enforcement officer; and at least one other member shall have at least~~  
17 ~~five years experience in a field or fields related to law enforcement or criminal justice.~~

18    ~~C. — The Chief of Police shall cause a thorough background check of nominees for~~  
19 ~~OPA Review Board identified by the Council and shall report the results to the Council.~~

20    ~~D. — The OPA Review Board shall annually elect one of its members to be the Chair of~~  
21 ~~the OPA Review Board. In the event that all members of the Review Board are newly appointed,~~  
22 ~~the City Council may appoint an interim Chair until the Review Board can conduct the~~  
23 ~~election.))~~

1           C. Appointment, removal, and compensation

2                   1. CPC shall consist of 21 Commissioners, appointed and reappointed as set  
3 forth in this Chapter 3.29. The Mayor shall select seven Commissioners, the City Council shall  
4 select seven Commissioners, and CPC shall select seven Commissioners, including the public  
5 defense representative, the civil liberties law representative, and the SPOG and SPMA  
6 representatives.

7                   2. Commissioners in position numbers 1, 4, 7, 10, 13, 16, and 19 shall be  
8 appointed, and where applicable, reappointed by the Mayor. Commissioners in position numbers  
9 2, 5, 8, 11, 14, 17, and 20 shall be appointed, and where applicable, reappointed by the City  
10 Council. Commissioners in position numbers 3, 6, 9, 12, 15, 18, and 21 shall be appointed, and  
11 where applicable, reappointed by CPC. Position number 3 shall be designated for the public  
12 defense representative; position number 6 shall be designated for the civil liberties law  
13 representative; position number 15 shall be designated for the SPOG representative; and position  
14 number 18 shall be designated for the SPMA representative.

15                   3. The first terms for Commissioners in position numbers 1 through 5, 16,  
16 and 17, shall end on December 31, 2017. The first terms for Commissioners in position numbers  
17 6 through 10, 18, and 19 shall end on December 31, 2018. The first terms for Commissioners in  
18 position numbers 11 through 15, 20, and 21 shall end on December 31, 2019.

19                   4. Each appointing authority shall provide a process that allows individuals  
20 to apply and be considered for appointment, and shall ensure appointees meet the qualifications  
21 outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC  
22 with respect to its composition. Twelve of the 15 Commissioners must live within The City of  
23 Seattle and three of the 15 Commissioners may work within but are not required to live within



1 the City. Each appointing authority may appoint one of the three Commissioners who works  
2 within but does not reside within the City. Where a Commissioner resides in City of Seattle at  
3 the time of appointment but no longer resides in the City during any 60-day period of a term that  
4 Commissioner will not be eligible for reappointment at the expiration of the term unless proof of  
5 current residency in the City can be established. A change in residency to outside of The City of  
6 Seattle will not affect the Commissioner’s ability to serve the remainder of any pending term.  
7 The appointing authorities shall consult with one another prior to making their respective  
8 appointments and reappointments. All Commissioners appointed or reappointed by each of the  
9 appointing authorities shall be confirmed by a majority vote of the full City Council and shall  
10 assume office upon receiving City Council confirmation.

11 5. All Commissioners appointed to serve on CPC enacted by this Chapter  
12 3.29 shall be eligible to serve three three-year terms for a total of nine years, each term  
13 commencing on January 1. All terms shall be staggered so that no more than six Commissioners’  
14 terms expire in any year. If a Commissioner assumes office mid-term due to a prior vacancy, the  
15 Commissioner may complete that term and then be reappointed for up to three, three-year  
16 subsequent terms.

17 6. Each appointment and reappointment shall be made whenever possible  
18 sufficiently prior to the expiration of the latest incumbent’s term of office or the effective date of  
19 an incumbent’s resignation, permitting City Council action to approve or disapprove the  
20 appointment or reappointment, at least 45 days before the expiration of the present term, so as to  
21 avoid undue vacancy. All appointments to fill positions due to resignations without notice shall  
22 be made as soon as such can reasonably be done, but no later than 90 days after the effective date

1 of the resignation of the latest incumbent. A Commissioner whose term is ending may continue  
2 on an interim basis until a successor has been confirmed by the City Council.

3 7. To strengthen the independence of CPC, Commissioners may be removed  
4 from office by the appointing authority only for cause. By a three-quarters vote of its  
5 membership, CPC may approve removal of Commissioners appointed by CPC. A majority vote  
6 of the full City Council is required to approve the removal of any Commissioner.

7 8. Commissioners shall be compensated, if at all, as provided by ordinance.

8 Section 34. Commissioners serving on the date the ordinance introduced as Council Bill  
9 118907 becomes effective may continue in office, pursuant to the provisions outlined in this  
10 section.

11 A. No fewer than 30 days prior to the effective date of the ordinance introduced as  
12 Council Bill 118907, each presently serving and eligible Commissioner of the previously  
13 existing CPC, created by the Consent Decree and Stipulated Order of Resolution Between the  
14 United States of America and The City of Seattle and established by Executive Order No. 02-  
15 2012 and City of Seattle Ordinance 124021, who wishes to serve on CPC as established by this  
16 Chapter 3.29 shall submit a written statement to the Mayor, the City Council President, and the  
17 CPC Executive Director indicating that the member wishes to serve on CPC as established by  
18 this Chapter 3.29. Public defender and civil liberties law representatives shall identify themselves  
19 as such in their written statements.

20 B. No fewer than 15 days prior to the effective date of this Chapter 3.29, the City  
21 Attorney or a designee of the City Attorney shall, in a publicly noticed and open meeting, draw  
22 numbers to determine the position number for each Commissioner of the previously existing  
23 CPC who has indicated they wish to continue to serve. The position numbers to be drawn are 1–

1 2, 4–5, and 7–13. Each Commissioner shall be timely informed of the position number that  
2 corresponds to that Commissioner.

3 C. Commissioners in position numbers 1, 4, 7, 10, and 13 shall be appointed, and where  
4 applicable, reappointed by the Mayor. Commissioners in position numbers 2, 5, 8, 11, and 14  
5 shall be appointed, and where applicable, reappointed by the City Council. Commissioners in  
6 position numbers 3, 6, 9, 12, and 15 shall be appointed, and where applicable, reappointed by  
7 CPC.

8 D. Continuing Commissioners who served on the previously existing CPC in position  
9 numbers 1 through 5 may serve terms deemed to end on December 31, 2017; continuing  
10 Commissioners in position numbers 6 through 10 may serve terms deemed to end on December  
11 31, 2018; and continuing Commissioners in position numbers 11 through 13 may serve terms  
12 deemed to end on December 31, 2019.

13 E. Continuing Commissioners are eligible to serve one subsequent three-year term after  
14 the expiration of their existing term as set forth in this Section 3.29.215.

15 F. The term of any presently serving Commissioner who chooses not to serve on CPC as  
16 established by Chapter 3.29 shall terminate on the date this ordinance becomes effective.  
17 Continuing Commissioners shall retain the position numbers established by Section 3.29.215 and  
18 each subsequent Commissioner corresponding to such position number shall be appointed and,  
19 where applicable, reappointed by the appointing authority designated for that position.

1           Section 35. A new Section 3.29.220 of the Seattle Municipal Code is added to Subchapter  
2 III of Chapter 3.29 as follows:

3 **3.29.220 Community Police Commission—Reporting**

4           A.       CPC shall post online and electronically distribute an annual report to the Mayor,  
5 City Attorney, City Council, Chief of Police, OPA Director, and Inspector General, as well as to  
6 the City Clerk for filing as a public record. This report shall describe the work of CPC in  
7 fulfilling the responsibilities detailed in this Chapter 3.29, including:

8                   1.       The extent to which the purpose, duties, and responsibilities detailed in  
9 this Chapter 3.29 have been met;

10                   2.       The extent to which prior recommendations to SPD, OPA, or other City  
11 departments and offices for policy and practice improvements have been implemented; and, if  
12 they have not, the reasons;

13                   3.       Any CPC recommendations for changes in policies and practices,  
14 collective bargaining agreements, City ordinances, and state laws; and

15                   4.       Information about CPC’s outreach to SPD employees and the public, and  
16 about the perspectives gathered by CPC from such outreach.

17           B.       In partnership with OIG, CPC shall periodically evaluate and issue reports on how  
18 effective SPD’s processes are in meeting community needs for a diverse work force, including  
19 the relevance of traditional disqualifying factors and the swiftness of decision-making, to assess  
20 if there are unfair impediments to hiring and retaining diverse and skilled officers.

21           Section 36. A new Section 3.29.225 of the Seattle Municipal Code is added to Subchapter  
22 III of Chapter 3.29 as follows:

23 **3.29.225 Community Police Commission—Meetings**

1 CPC shall hold regular meetings open to the public, no less than once a month, and  
2 establish workgroup subcommittees of its members to meet as necessary.

3 Section 37. A new Subchapter IV, which includes new Sections 3.29.300, 3.29.305,  
4 3.29.310, 3.29.315, 3.29.320, 3.29.325, 3.29.330, 3.29.335, 3.29.340, and 3.29.345, is added to  
5 Chapter 3.29 of the Seattle Municipal Code as follows:

6 **Subchapter IV Mechanisms to Support Accountability**

7 **3.29.300 Reporting of potential misconduct and police accountability issues**

8 A. SPD shall establish and maintain clear written policies requiring that all  
9 significant matters coming to SPD’s attention that involve potential police misconduct or policy  
10 violations are documented and forwarded in a timely manner to OPA, including cases originating  
11 from outside sources and from all SPD units or boards with authority to review compliance with  
12 policy or to conduct administrative investigative processes.

13 B. The procedures of any SPD board, unit, or process created to review performance  
14 must be approved by the Chief of Police and set forth in the SPD Policy Manual. SPD  
15 administrative investigation units, including the Force Review Board, shall maintain a schedule  
16 of review that limits the duration of each incident review to 90 days. SPD administrative  
17 investigation units shall not make determinations of misconduct or recommend discipline.

18 C. Where cases are referred by OPA to the named employee’s supervisors for  
19 follow-through, including training, SPD shall ensure follow-through is timely and substantive.

20 D. SPD and OPA shall establish an effective system of referral to OPA for  
21 investigation of possible misconduct any concerns regarding officers whom others in the  
22 criminal justice system believe may have not acted with integrity or honesty.

1           E.       SPD, OPA, the City Attorney’s Office, CPC, and all other City departments and  
2 offices shall timely inform the Inspector General, in a manner established by OIG, any new  
3 problems or deficiencies not previously reported to OIG related to operations, policies,  
4 programs, and practices that would reasonably be expected to adversely affect SPD  
5 effectiveness, public safety, police accountability, constitutional policing, or the public’s  
6 confidence in SPD, and that would be relevant to the duties of OIG.

7           F.       As appropriate, the City Attorney shall advise the OPA Director and the Chief of  
8 Police of any issues identified through litigation, grievances, or disciplinary appeals to help OPA  
9 and SPD make informed improvements to policies and procedures.

10          G.       Complaints against any employee of OPA, OIG, or the Office of the CPC where  
11 the allegation is discrimination, harassment, retaliation, or any other act that may violate Equal  
12 Employment Opportunity laws and policies shall be investigated by the Seattle Department of  
13 Human Resources.

14 **3.29.305 Continuous improvement**

15          A.       Following the issuance of any written recommendations to SPD by the OPA  
16 Director, the Inspector General, or CPC issued pursuant to this Chapter 3.29, SPD shall confer  
17 with and respond in writing to the issuing entity within 30 days following the release of the  
18 recommendations. In the response, SPD shall provide a plan for implementation of accepted  
19 recommendations, including for regular timely written reports on progress made in implementing  
20 accepted recommendations, and an explanation for those recommendations not accepted or not  
21 scheduled for implementation. If the lead entity responsible for the implementation of any  
22 recommendation is a City department or office other than SPD, the Director of the Mayor’s  
23 Office of Policy and Innovation or its successor shall coordinate providing the necessary

1 information to SPD to include in the response. The issuing agency shall be responsible for  
2 tracking the status of its recommendations accepted and not accepted. The OPA Director and the  
3 Inspector General shall report quarterly to CPC on the status of SPD’s response to their  
4 recommendations regarding SPD and other City departments and agencies.

5       B.     OPA shall meet and confer with the issuing agency following the issuance of any  
6 written report with recommendations by the Inspector General or CPC issued pursuant to this  
7 Chapter 3.29 and shall respond in writing to the issuing agency within 30 days following the  
8 release of recommendations of the Inspector General or CPC, providing a plan for  
9 implementation of accepted recommendations, including regular timely written reports on  
10 progress made in implementing accepted recommendations, and a rationale or other explanatory  
11 information for those recommendations not accepted or scheduled for implementation. The  
12 issuing agency shall be responsible for tracking the status of its recommendations accepted and  
13 not accepted. The Inspector General shall report quarterly to CPC on the status of OPA’s  
14 response to OIG’s recommendations regarding OPA.

15       C.     The OPA Director, Inspector General, a CPC Commissioner, and the Chief, or  
16 their designees, shall meet together at least quarterly to collectively review the implementation  
17 status of all recommendations.

18       D.     SPD shall respond in writing to any Training Referral or Supervisor Action  
19 referral with an explanation of actions taken.

20       E.     In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and  
21 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the  
22 purpose of ensuring SPD policies are consistent with best practices, including recommendations

1 from the civilian oversight entities. SPD’s schedule and protocol shall allow meaningful  
2 opportunity for such SPD Policy Manual reviews.

3 F. SPD shall maintain systems of critical self-analysis, including audits and reviews  
4 of critical events, lawsuits, claims, and complaints. These reviews should focus on ways to  
5 improve policies, training, and supervision so as to help prevent misconduct, policy violations,  
6 poor performance, or other adverse outcomes.

7 G. At the time the Mayor’s annual proposed budget is submitted to the City Council,  
8 the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector General  
9 and the OPA Director, when recommendations requiring City funding issued in reports made in  
10 the prior year consistent with the reporting requirements set forth in this Chapter 3.29 by those  
11 responsible for implementing the purposes of this Chapter 3.29 are not included for funding in  
12 the budget proposal.

13 H. At the time the Mayor’s proposed state legislative agenda is presented to the City  
14 Council, the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector  
15 General and the OPA Director, when associated recommendations made by those responsible for  
16 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative  
17 agenda.

18 I. The City’s Office of Intergovernmental Relations shall consult with OPA, the  
19 Inspector General, and CPC during the development of the City’s state legislative agenda.

20 J. Each year in June and December the City Attorney’s Office shall provide the  
21 OPA Director and Inspector General status reports regarding (1) all OPA cases in which the  
22 findings or discipline have been appealed during the previous six months and (2) all OPA cases  
23 in which the findings or discipline have been appealed in earlier periods and that remained open



1 at any time during the current reporting period. These status reports shall include all OPA cases  
2 not yet closed due to appeal, the case number, the named employee(s), the date of complaint, the  
3 date of disciplinary action, the Chief of Police disciplinary decision, the date of appeal, the  
4 nature of the appeal, and the current status of the case, including any modification to the case  
5 disposition as a result of appeal.

6 **3.29.310 Disciplinary, grievance, and appeals policies and processes**

7 A. SPD and City disciplinary, grievance, and appeal policies and processes shall be  
8 timely, fair, consistent, and transparent.

9 1. SPD shall track all records of Chief of Police disciplinary determinations.  
10 The OPA Director and the Inspector General shall have unfettered access to this information, and  
11 SPD shall report on disciplinary patterns in such a way that the public can assess whether the  
12 Chief of Police is exercising disciplinary authority in a fair and consistent manner.

13 2. To help ensure timeliness, there shall be set and enforceable timeframes  
14 for any named employee to be notified by SPD of proposed findings and discipline, for any  
15 named employee and/or the named employee's union representative to request a due process  
16 hearing, for the Chief of Police to issue a final finding and disciplinary decision, and for any  
17 named employee to file an appeal.

18 3. SPD shall implement discipline when it is imposed or shortly thereafter,  
19 not upon conclusion of any disciplinary appeal process.

20 4. The Chief of Police shall have the authority to place an SPD employee on  
21 leave without pay prior to the completion of an OPA administrative investigation where the  
22 employee has been charged with a felony or gross misdemeanor.

1                   5.       No disciplinary action will result from a complaint of misconduct where  
2 the complaint is made to OPA more than three years after the date of the incident which gave rise  
3 to the complaint, except where the OPA complaint alleges criminal conduct or alleges that the  
4 named employee has concealed acts of misconduct.

5                   6.       The Disciplinary Review Board is abolished.

6                   7.       Public Safety Civil Service Commission

7                   a.       The Public Safety Civil Service Commission (PSCSC) shall be the  
8 only avenue for SPD employee disciplinary appeals when brought by the employee. Disciplinary  
9 appeals when brought by a law enforcement labor union on the employee’s behalf are heard  
10 pursuant to the procedure set forth in subsection 3.29.310.A.8.

11                   b.       The PSCSC shall be comprised of three members, none of whom  
12 shall be City employees. Two members shall be appointed by the Mayor and one member shall  
13 be appointed by the City Council. Members shall be selected using merit-based criteria and shall  
14 have appropriate expertise and objectivity regarding disciplinary and promotional decisions.  
15 Members may serve up to three, three-year terms, and their terms shall be staggered. The PSCSC  
16 may delegate its authority to hear appeals to a City hearing examiner with appropriate subject  
17 matter expertise. Employees must provide written notification of their intent to appeal to the  
18 Chief of Police, City Attorney, and the PSCSC within ten days of receiving the Chief’s final  
19 disciplinary determination. All hearings related to disciplinary appeals shall be open to  
20 complainants and the public.

21                   8.       Where a Seattle law enforcement union challenges the imposition of  
22 discipline based on an alleged violation of the terms and conditions of a collective bargaining  
23 agreement, such challenge shall be heard through the City Hearing Examiner.

1                   9.       SPD employees shall not use accrued time balances to be compensated  
2 while satisfying a disciplinary penalty that includes an unpaid suspension.

3                   10.       Challenges by SPD employees to disciplinary decisions shall be handled  
4 through the appeal process described in this Section 3.29.310. Challenges by employees to all  
5 other administrative actions or working conditions shall be handled exclusively through a  
6 separate employee grievance process as determined by collective bargaining.

7                   11.       The City Attorney’s Office shall determine legal representation for SPD in  
8 disciplinary challenges. The City, including SPD, shall not settle or resolve grievances or  
9 disciplinary appeals without the approval of the City Attorney’s Office.

10                  12.       All appeal hearings shall be held within a set timeframe from when the  
11 Chief of Police issues final findings and discipline, and all appeal rulings shall be issued within a  
12 set timeframe from the hearing.

13                  13.       The Chief of Police shall notify in writing the Washington State Criminal  
14 Justice Training Commission (WSCJTC) when any sworn employee is terminated from  
15 employment, or who would have been terminated from employment had separation not already  
16 occurred, whenever the nature of the employee’s misconduct qualifies for de-certification under  
17 state law. The notification shall include the facts and circumstances of the termination and any  
18 other information necessary to provide the evidentiary basis for the Chief’s disciplinary decision  
19 so as to allow the WSCJTC to have a full and complete record when deciding whether de-  
20 certification is appropriate.

21 **3.29.315 Recruitment, hiring, assignments, promotions, and training**

1           A.       SPD shall develop and implement recruitment, hiring, testing, training, mentoring,  
2 assignment, and promotional practices that emphasize leadership and policing skills consistent  
3 with accountability, which support equity and the goals set forth in the Consent Decree.

4           B.       In developing and implementing the recruitment, hiring, testing, training,  
5 mentoring, assignment, and promotional practices referenced in subsection 3.29.315.A, SPD  
6 shall consult with CPC and OIG and may obtain guidance from other community stakeholders.

7           C.       To support operational efficiency and excellence, SPD may use civilians with  
8 specialized skills and expertise to perform any SPD management and operational functions,  
9 including, but not limited to, training, human resources, technology, budget and finance, crime  
10 analysis, recruiting, hiring, and testing, which in the judgment of the Chief of Police do not  
11 require law enforcement commissioned personnel, allowing SPD the ability to more flexibly  
12 deploy civilian and sworn resources to best meet both its administrative and law enforcement  
13 needs.

14           D.       SPD shall use preference points in hiring sworn employees who are multi-lingual  
15 and/or have work experience or educational background providing important skills needed in  
16 modern policing, such as experience working with diverse communities, and social work, mental  
17 health or domestic violence counseling, or other similar work or community service  
18 backgrounds.

19           E.       After consulting with and receiving input from OIG, OPA, and CPC, SPD shall  
20 establish an internal office, directed and staffed by civilians, to manage the secondary  
21 employment of its employees. The policies, rules, and procedures for secondary employment  
22 shall be consistent with SPD and City ethical standards, and all other SPD policies shall apply  
23 when employees perform secondary employment work.

1           F.       SPD shall adopt consistent standards that underscore the organizational  
2 expectations for performance and accountability as part of the application process for all  
3 specialty units, in addition to any unique expertise required by these units, such as field training,  
4 special weapons and tactics, crime scene investigation, and the sexual assault unit. In order to be  
5 considered for these assignments, the employee’s performance appraisal record and OPA history  
6 must meet certain standards and SPD policy must allow for removal from that assignment if  
7 certain triggering events or ongoing concerns mean the employee is no longer meeting  
8 performance or accountability standards.

9           G.       SPD shall ensure that its “take-home” policy for SPD vehicles, and the  
10 opportunities for assignments that provide additional financial remuneration, are consistent with  
11 values of accountability and effective use of taxpayer resources.

12           H.       The Chief of Police shall collaborate with the OPA Director with the goal that  
13 sworn staff assigned to OPA have requisite skills and abilities and with the goal that the rotations  
14 of sworn staff into and out of OPA are done in such a way as to maintain OPA’s operational  
15 effectiveness. To fill such a sworn staff vacancy, the Chief of Police and the OPA Director  
16 should solicit volunteers to be assigned to OPA for two-year periods. If there are no volunteers  
17 or the OPA Director does not select from those who volunteer, the Chief of Police shall provide  
18 the OPA Director with a list of ten acting sergeants or sergeants from which the OPA Director  
19 may select OPA personnel to fill intake and investigator positions. Should the OPA Director  
20 initially decline to select personnel from this list, the Chief of Police shall provide the OPA  
21 Director with a second list of ten additional acting sergeants or sergeants for consideration. If a  
22 second list is provided, the OPA Director may select personnel from either list, or from among  
23 volunteers.

1 I. SPD shall collaborate with OPA, OIG, and CPC in the development and delivery  
2 of SPD in-service training related to the accountability system.

3 **3.29.320 Public disclosure, data tracking, and record retention**

4 A. SPD and the City Attorney’s Office shall work with OPA to release information  
5 associated with OPA cases as quickly and with as much transparency as legally and practically  
6 possible.

7 B. SPD shall maintain current and searchable public databases, to the extent  
8 technologically feasible, that include every stop, frisk, use of force, and disciplinary matter. The  
9 databases shall protect the privacy of members of the public and City employees who are  
10 involved to the extent allowed by law, while including all relevant information of each  
11 interaction, including race, gender, time, place, assignment, reason, and any other consideration  
12 that can help provide information regarding possible bias.

13 C. SPD shall make available information about its policies and operations that are  
14 matters of concern to the public by posting such information online, such as the SPD Policy  
15 Manual, performance audit reports, reviews of shootings by officers, and reviews of in-custody  
16 injuries and deaths.

17 D. SPD shall track and document OPA cases referred from the OPA Director to the  
18 Chief of Police in OPA and SPD data systems.

19 E. All SPD personnel and OPA case files shall be retained as long as the employee is  
20 employed by the City, plus either six years or as long as any action related to that employee is  
21 ongoing, whichever is longer. SPD personnel files shall contain all associated records, including  
22 Equal Employment Opportunity complaints, and disciplinary records, litigation records, and  
23 decertification records; and OPA complaint files shall contain all associated records, including

1 investigation records, Supervisor Action referrals and outcomes, Rapid Adjudication records,  
2 and referrals and outcomes of mediations. Records of written reprimands or other disciplinary  
3 actions shall not be removed from employee personnel files.

4 F. For sworn employees who are terminated or resign in lieu of termination, such  
5 that the employee was or would have been separated from SPD for cause and at the time of  
6 separation was not “in good standing,” SPD shall include documentation in SPD personnel and  
7 OPA case files verifying (1) a letter was sent by SPD to the WSCJTC regarding de-certification  
8 and consistent with the requirements set forth in subsection 3.29.310.A.13; (2) whether action  
9 was taken by the WSCJTC in response to that letter; (3) that the Chief of Police did not and will  
10 not grant the employee authorization to serve in a Special Commission capacity, as a reserve  
11 officer or as a retired officer in a private company that provides flagging, security, or related  
12 services; and (4) that the Chief did not or will not grant any request under the Law Enforcement  
13 Officers Safety Act to carry a concealed firearm. The latter two actions shall also be taken and  
14 documentation included in the SPD personnel and OPA case files whenever a sworn employee  
15 resigns or retires with a pending complaint and does not fulfill an obligation to fully participate  
16 in an OPA investigation.

17 **3.29.325 Criminal cases**

18 A. The City Attorney shall establish a protocol with the King County Prosecutor to  
19 refer, whenever possible, criminal cases in which police misconduct resulted in the death of a  
20 civilian to prosecutors not affiliated with the City or King County.

21 B. The City Attorney shall maintain a protocol so that, whenever possible, cases  
22 referred to prosecutors for possible filing of charges against SPD employees are reviewed

1 concurrently by City, county, and federal prosecutors so as to minimize delay and better serve  
2 the public, the named employee, and SPD.

3 **3.29.330 Collective bargaining and labor agreements**

4 A. Those who provide civilian oversight of the police accountability system shall be  
5 consulted in the formation of the City’s collective bargaining agenda for the purpose of ensuring  
6 their recommendations with collective bargaining implications are thoughtfully considered and  
7 the ramifications of alternative proposals are understood. These individuals shall be subject to  
8 the same confidentiality provisions as any member of the Labor Relations Policy Committee.

9 B. The terms of all collective bargaining agreements for SPD employees, along with  
10 any separate agreements entered into by SPD or the City in response to an unfair labor practice  
11 complaint, settlement of grievance or appeal, or for other reasons, including those previously  
12 reached, shall be clearly and transparently provided to the public, by posting on the SPD website.

13 C. Whenever collective bargaining occurs, any separate agreements in place  
14 affecting ongoing practices or processes which were entered into by SPD or the City in response  
15 to an unfair labor practice complaint, settlement of grievance or appeal, or for any other reasons,  
16 shall be incorporated into the new or updated collective bargaining agreement or shall be  
17 eliminated.

18 **3.29.340 Public statements**

19 While any incident of public concern is under any form of OPA, SPD or OIG  
20 review, no City employee should comment, either in their official or personal capacity, in a way  
21 that suggests that any factual, policy, or legal conclusions have been reached about the incident.

22 These provisions shall not restrict the ability of a union representative to comment in their



1 representative capacity, or the OPA Director to communicate OPA findings and  
2 recommendations.

### 3 **3.29.345 Protection of civilian oversight entities**

4           Retaliation by adverse employment action or harassment against OPA and OIG  
5 employees, against employees of the Office of the CPC or CPC Commissioners, or against  
6 employees of other City departments or offices who provide information to OPA, OIG, or CPC  
7 undermines the effectiveness of civilian oversight efforts by threatening the continued flow of  
8 information. No City official or employee shall retaliate against, punish or penalize any other  
9 person for complaining to, cooperating with or assisting OPA, OIG, or CPC in the performance  
10 of their duties. Any OPA or OIG employee, CPC employee or Commissioner, or employee of  
11 other City departments or offices who believes he or she has been retaliated against for making  
12 such complaint to, disclosing information to, or responding to such queries from OPA, OIG, or  
13 CPC may report such action to the Inspector General. If retaliation is suspected, the Inspector  
14 General is authorized to open an investigation into the matter and refer a complaint to the  
15 appropriate authority. Any City official or employee who violates these provisions may be  
16 subject to dismissal, discipline, or censure consistent with City and state laws. These protections  
17 shall not apply when the contact was made or the information was disclosed with knowledge that  
18 it was false or with willful disregard for its truth or falsity.

19           Section 38. A new Subchapter V, which includes new Sections 3.29.400 and 3.29.401, is  
20 added to Chapter 3.29 of the Seattle Municipal Code as follows:

### 21 **Subchapter V Construction and Implementation**

#### 22 **3.29.400 Construction**

1           A.     The collective bargaining agreements with the City’s police unions shall be  
2 updated to conform and be consistent with the provisions and obligations of this Chapter 3.29.

3           B.     Any provision of this Chapter 3.29 that requires collective bargaining shall not  
4 become effective until the City satisfies its collective bargaining obligations under the Public  
5 Employees’ Collective Bargaining Act, chapter 41.56 RCW, or the City and the affected police  
6 union(s) mutually agree that the provision may be implemented.

7           C.     In the event of a conflict between the provisions of this Chapter 3.29 and any  
8 other City ordinance, the provisions of this Chapter 3.29 shall govern.

9           D.     It is the express intent of the City Council that, in the event a subsequent  
10 ordinance refers to a position or office that was abolished by the ordinance introduced as Council  
11 Bill 118907, that reference shall be deemed to be the new position or office created by the  
12 ordinance introduced as Council Bill 118907, and shall not be construed to resurrect the old  
13 position or office unless it expressly so provides by reference to the ordinance introduced as  
14 Council Bill 118907.

15          E.     It is the express intent of the City Council that, in the event a subsequent  
16 ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a  
17 previously enacted ordinance that is amended or recodified in the ordinance introduced as  
18 Council Bill 118907, but the later ordinance fails to account for the change made by the  
19 ordinance introduced as Council Bill 118907, the two sets of amendments should be given effect  
20 together if at all possible. The code reviser may publish the section or subsection in the official  
21 code with all amendments incorporated therein.

1           F.       The terms and provisions of this Chapter 3.29 are not retroactive and shall apply  
2 only to those rules, orders, actions or proceedings that occur, or have been initiated, on or after  
3 the effective date of the ordinance introduced as Council Bill 118907.

4           G.       Nothing in this Chapter 3.29 creates or is intended to create a basis for any private  
5 cause of action.

6           H.       The provisions of this Chapter 3.29 are declared to be separate and severable. The  
7 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter  
8 3.29, or the invalidity of its application to any person or circumstance, does not affect the  
9 validity of the remainder of this Chapter 3.29, or the validity of its application to other persons or  
10 circumstance.

11 **3.29.401 Implementation**

12           A.       Until the ordinance introduced as Council Bill 118907 takes effect, the current  
13 accountability system shall remain in place, consistent with provisions of the Consent Decree in  
14 the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR).

15           B.       The ordinance introduced as Council Bill 118907 shall take effect and be in force  
16 within 30 days of the last of the following taking place: (1) review and approval of the ordinance  
17 by the United States District Court for the Western District of Washington presiding over the  
18 Consent Decree in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR);  
19 (2) passage by the City Council; (3) if applicable, resubmittal to and re-approval by the United  
20 States District Court of adopted legislation containing terms previously dis-approved by the  
21 Court or new terms not yet reviewed; and (4) ultimate approval by the Mayor. If not approved  
22 and returned by the Mayor within ten days after presentation, it shall take effect as provided by  
23 Section 1.04.020.

1           Section 39. 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 \_\_\_\_\_, 2017,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2017.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9           Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

10 \_\_\_\_\_  
11 Edward B. Murray, Mayor

12           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)