

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.~~Section 1. The City Council (“Council”) makes the following findings of fact
14 and 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 23. 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 34. 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 45. 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 ~~56~~. 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 ~~67~~. 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 civilianpolice oversight**

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

20 ~~It is the~~The City of Seattle's intent to ensure by law a comprehensive, ~~independent,~~ and
21 ~~sustained~~sustainable approach to ~~civilianindependent~~ oversight of the Seattle Police Department
22 (SPD). that enhances the trust and confidence of the community, and that builds an effective
23 police department that respects the civil and constitutional rights of the people of Seattle. The

1 purpose of this Chapter 3.29 is to provide the authority necessary for that oversight to be as
2 effective as possible.

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

21 C. An accountability system requires a strong, effective Chief of Police (Chief) to
22 implement oversight recommendations and to create the culture change from within the police
23 department that is necessary to support lasting reform. The Chief by City Charter is “the chief

1 peace officer of the City, and...shall maintain the peace and quiet of the City.” The City Charter
2 also dictates that the Chief manages SPD and prescribes the Department’s rules and regulations,
3 consistent with law. In performing those duties, the Chief is responsible and accountable to the
4 Mayor and City Council for the administration and management of SPD and is the final decision-
5 maker, subject to appeal rights, in all matters related to misconduct, including discipline.
6 Nothing in this Chapter 3.29 shall be interpreted or applied so as to limit or restrict the
7 responsibilities of the Chief under the City Charter.

8 **3.29.007 Definitions**

9 As used in this Chapter 3.29:

10 “Budget Control Level” means the level at which expenditures are controlled to meet
11 state and ~~city~~City budget law provisions.

12 “Chief” means the Chief of Police.

13 “CPC” means the Community Police Commission.

14 “Inconclusive” means ~~at category of Not Sustained finding made at the conclusion of an~~
15 ~~term as it is defined in the~~ OPA investigation that there is not sufficient evidence to determine
16 ~~whether or not misconduct occurred~~Manual.

17 “Lawful and Proper” means ~~a category of Not Sustained finding made at the conclusion~~
18 ~~of an OPA investigation that the employee’s conduct was consistent with law, policy, and~~
19 ~~training~~term as it is defined in the OPA Manual.

20 “Management Action” means a separate finding made at the conclusion of an OPA
21 investigation, whether the allegation(s) are Sustained or Not Sustained as to the employee(s);
22 identifying improvements needed to SPD policy, practice, or operations. OPA recommends to
23 SPD actions to be taken and SPD must provide a written response as to how it will address the

1 ~~identified issues. OPA also communicates the recommended actions and response to the~~
2 ~~complainant and the public.~~

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

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

5 ~~A “Not Sustained” finding means at the conclusion of an OPA investigation where the~~
6 ~~alleged misconduct was not proven to have occurred. A Not Sustained finding may be~~
7 ~~Unfounded, Lawful and Proper, Inconclusive, or a Training Referral.~~

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

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

10 “OPA” means the Office of Police Accountability.

11 “OPA Manual” means the Office of Police Accountability Internal Operations and
12 Training Manual.

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

17 “SPD” means the Seattle Police Department.

18 “Supervisor Action” means ~~complaints not classified by~~ the term as it is defined in the
19 OPA for investigation Manual.

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

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

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

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

1 **3.29.009 Independent and ~~instead referred~~ Collaborative Oversight**

2 A. OPA, OIG, and CPC have an obligation to ~~the employee's supervisor for appropriate~~
3 follow up, such as problem solving, mentoring, coaching, exercise independent judgment and
4 offer critical analysis in the performance ~~review~~of their duties under this Chapter 3.29. These
5 oversight entities shall exercise their responsibilities under this Chapter 3.29 without interference
6 from any person, group, or organization, including the Chief, ~~other communication~~SPD
7 employees, or other City officials. City employees and agents who violate these provisions may
8 be subject to dismissal, discipline, or censure consistent with ~~the employee~~City and ~~with~~state
9 laws.

10 B. OPA, OIG, CPC, and the Chief shall each advise ~~the complainant~~City Council,
11 Mayor, City Attorney, and each other on issues related to ~~improve~~the purposes of this Chapter
12 3.29, and recommend and promote to policymakers changes to policies and practices, collective
13 bargaining agreements, City ordinances, and state laws in order to support systemic
14 improvements and other enhancements to SPD performance and ~~or to be responsive to the~~
15 complainant, with in furtherance of community trust.

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

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

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

1 Section 9. Section 3.28.800 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 ~~((3.28.800)) 3.29.010 Office of ((Professional)) Police Accountability~~ A “Sustained”
4 ~~finding means a finding at the conclusion of an OPA investigation that the alleged misconduct~~
5 ~~was proven to have occurred by a preponderance of the evidence.~~

6 ~~“Training Referral” means a category of Not Sustained finding made at the conclusion of~~
7 ~~an OPA investigation that requires the employee’s chain of command to provide appropriate~~
8 ~~training or counseling of the employee to improve performance, with a report of training~~
9 ~~provided submitted to OPA.~~

10 ~~“Type III Force” means force that causes, or is reasonably expected to cause, great bodily~~
11 ~~harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck or carotid~~
12 ~~holds, stop sticks for motorcycles, and impact weapon strikes to the head, and other strikes~~
13 ~~reasonably expected to cause substantial bodily harm.~~

14 ~~“Unfounded” means a category of Not Sustained finding made at the conclusion of an~~
15 ~~OPA investigation that the alleged misconduct did not occur.~~

16 ~~Section 7. Subchapter VII of Chapter 3.28 of the Seattle Municipal Code is recodified as~~
17 ~~Subchapter I of Chapter 3.29 and amended as follows:~~

18 ~~Subchapter ((VII)) I Office of ((Professional)) Police Accountability~~

19 ~~Section 8. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance~~
20 ~~122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:~~

21 ~~((3.28.800)) 3.29.010 Office of ((Professional)) Police Accountability ((created))~~

22 ~~established—~~((((created))—Functions))~~ Purpose and authority~~

23 A. _____ There is ((created within the Seattle Police Department)) established as a separate

1 ~~and an independent office of the City an~~ Office of ((~~Professional~~)) Police Accountability
2 ~~((hereinafter “OPA”) to receive and investigate complaints of misconduct by Seattle Police~~
3 ~~Department personnel)) to provide oversight, official findings, and recommendations concerning~~
4 ~~police accountability at SPD fulfill the purposes set forth in Section 3.29.005. ((The~~
5 ~~responsibilities of the OPA include the following areas: regularly advising the Chief, as well as~~
6 ~~the Mayor and City Council, on all matters involving the Police Department’s investigatory and~~
7 ~~disciplinary functions and on Police Department policies and practices related to police~~
8 ~~accountability and professional conduct; evaluating the internal investigation process; and,~~
9 ~~making recommendations on strategies and policies to improve complaint gathering and~~
10 ~~investigative procedures.)) The work of OPA is intended to instill confidence and public trust in~~
11 ~~the fairness and integrity of the police accountability system and in the effectiveness and~~
12 ~~professionalism of SPD. The goal of OPA is to help ensure the actions of SPD employees are~~
13 ~~constitutional; improve SPD compliance with federal, state, local laws, and with City and SPD~~
14 ~~policies; and to promote respectful and effective policing that is conducive to the public good.~~

15 AB. 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 BC. OPA shall establish and manage processes to initiate, receive and investigate
20 allegations of police misconduct that are fair, impartial, consistent, thorough, timely,
21 understandable, transparent, and accessible for the public, employees, and complainants.

22 C. OPA shall receive and have the authority to initiate complaints of misconduct or
23 policy violations against SPD employees, and resolve those complaints in accordance with the

1 ~~OPA Manual through investigation, Supervisor Action referral, mediation, Rapid Adjudication,~~
2 ~~and/or other alternative resolution processes, as well as through Management Action findings~~
3 ~~and Training Referrals that provide effective solutions and help reduce future misconduct or~~
4 ~~policy violations.~~

5 D. —. OPA policies and practices shall apply equally to all SPD employees regardless
6 of rank or position, and shall be detailed in the OPA Manual, which shall be posted publicly
7 online.

8 ED. OPA complaint processes shall be fair, impartial, consistent, thorough, timely,
9 understandable, and accessible for the public, employees, and complainants; provide effective
10 solutions; improve SPD standards; help reduce misconduct or policy violations; and enhance
11 employee conduct.

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

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

21 ~~F. — OPA shall have the authority to observe and review all administrative~~
22 ~~investigation processes at SPD to ensure they are not in conflict with OPA’s authority and are~~
23 ~~consistent with the purposes of this Chapter 3.29.~~

1 ~~G. OPA shall support SPD supervisors in the accountability system, including their~~
2 ~~responsibilities to mentor employees and to investigate, document, and address minor policy~~
3 ~~violations, performance, and customer service concerns at the precinct and unit level. OPA shall~~
4 ~~employ civilian OPA staff with professional expertise to work directly with supervisors and~~
5 ~~others in the precincts to support the fair and consistent handling of such minor violations and~~
6 ~~concerns.~~

7 ~~H. OPA shall have discretion to investigate any specific SPD policy violation it~~
8 ~~chooses, but with SPD supervisors generally handling minor performance issues and OPA~~
9 ~~prioritizing its investigative resources on allegations that concern public trust and maintaining~~
10 ~~systemic oversight of all SPD accountability systems.~~

11 ~~I. OPA shall provide input to the OIG regarding G. OPA shall identify systemic~~
12 ~~problems in SPD policies, training, supervision, and management identified in the course of~~
13 ~~OPA’s investigation of possible misconduct or policy violations, or in the course of OPA’s other~~
14 ~~obligations under this Chapter 3.29, to help improve SPD standards and enhance employee~~
15 ~~conduct.~~

16 ~~JH. OPA shall work with enhance an SPD culture of police accountability through~~
17 ~~means including, but not limited to, the City Attorney’s Office to publicly release information~~
18 ~~about OPA cases as promptly following:~~

19 ~~1. supporting SPD supervisors and with as much transparency as~~
20 ~~legally strengthening supervisors’ involvement in the accountability system, including~~
21 ~~supervisors’ responsibilities to mentor employees and practically possible to investigate,~~
22 ~~document, and address minor policy violations, performance, and customer service concerns at~~
23 ~~the precinct and unit level;~~

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

4 ~~Section 9. A new Section 3.29.015 of the Seattle Municipal Code is added to Subchapter~~
5 ~~I of Chapter 3.29 as follows:~~

6 ~~3.29.015 Office of Police Accountability—Independence~~

7 ~~A. OPA shall be physically housed outside any SPD facility and be operationally~~
8 ~~independent of SPD in all respects.~~ 3. working with OIG and SPD to make disciplinary
9 processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent,
10 and effective as possible.

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

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

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

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

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

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

5 **3.29.015 Office of Police Accountability—Independence**

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

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

14 ~~B. The OPA Director shall have authority for the hiring, supervision, and discharge~~
15 ~~of all civilian staff, and for the supervision and transfer back to SPD of any sworn staff assigned~~
16 ~~to OPA.~~

17 ~~C. The OPA Director and OPA staff shall exercise their discretionary and~~
18 ~~investigatory responsibilities granted by this Chapter 3.29 without interference from any person,~~
19 ~~group, or organization, including the Chief of Police, other SPD employees, or other City~~
20 ~~officials, except that the OPA Director and OPA staff shall be subject to oversight as set forth in~~
21 ~~this Chapter 3.29. City employees and agents who violate these provisions may be subject to~~
22 ~~dismissal, discipline, or censure consistent with City and state laws.~~

1 ~~DC.~~ A budget with sufficient staffing and resources for effective OPA operations shall
2 be submitted annually by the OPA Director separate and distinct from ~~the~~ SPD’s budget.

3 ~~ED.~~ Only the OPA Director shall comment publicly on the specifics of any ongoing
4 OPA investigation.

5 ~~Section 11. Section 10.~~ Section 3.28.810 of the Seattle Municipal Code, last amended by
6 Ordinance 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as
7 follows:

8 ~~((3.28.810))~~ **3.29.020** Office of ~~((Professional))~~ **Police** Accountability—Director ~~((:))~~

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

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

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

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

16 ~~D.—— Report directly to the Chief of Police;~~

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

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

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

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

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

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

8 ~~A. The ~~duties of the~~ OPA Director ~~are~~ shall have the authority and responsibility to:~~

9 ~~1. Manage all functions and responsibilities of OPA.~~

10 ~~2. Hire, supervise, and discharge OPA civilian staff, and supervise and~~
11 ~~transfer back to SPD any sworn staff assigned to OPA. OPA staff shall collectively have the~~
12 ~~requisite credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in~~
13 ~~this Chapter 3.29.~~

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

17 ~~4. Update the OPA Manual at least annually, and ensure OPA processes are~~
18 ~~in compliance with the OPA Manual.~~ ~~4. Such updates shall be done in accordance with a~~
19 ~~process established by the OPA Director that provides for consultation and input by OIG and~~
20 ~~CPC prior to final adoption of any updates.~~

21 ~~5. Oversee and strengthen the effectiveness of OPA investigations,~~
22 ~~Supervisor Action referrals, mediation, Rapid Adjudication, and other alternative resolution~~
23 ~~processes, as well as Management Actions and Training Referrals. The OPA Director shall~~

1 consult with CPC and OIG to implement improvements, consistent with best practices, to make
2 and maintain a fair and effective mediation program and a fair and effective Rapid Adjudication
3 process.

4 ~~6. Direct5. Ensure OPA investigative processes employing best~~
5 ~~practices for administrative investigations and are~~ in compliance with the OPA Manual ~~and.~~

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

9 ~~purposes of this Chapter 3.29.~~

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

16 ~~8. Ensure that every OPA investigation has an investigation plan approved~~
17 ~~by the OPA Director or the OPA Director's designee prior to the initiation of an investigation.~~

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

21 ~~10. Work with OIG and SPD to make disciplinary processes as fair, impartial,~~
22 ~~objective, certain, timely, consistent, understandable, transparent, and effective as possible and~~
23 ~~report out to the public on any concerns with regard to discipline or disciplinary processes.~~

1 ~~11. — Work with OIG, SPD9. Work with OIG, SPD, CPC, and the City~~

2 Attorney’s Office to help reduce or prevent misconduct through identification of patterns or
3 trends arising through complaints, investigations, and lawsuits, and report to the public
4 recommendations made by OPA to City officials based on those patterns or trends.

5 ~~1210. Respond to the scene of all SPD officer-involved shootings and other~~

6 serious use of force incidents pursuant to its duties set forth in Section 3.29.025 or designate
7 OPA staff member(s) to do so.

8 ~~13. — Manage OPA with the goal that OPA maintain frequent and regular~~

9 communications with complainants and named employees about the status of their investigation,
10 including information to complainants about disciplinary appeal and grievance processes.

11 ~~14. — 11. Employ best practices for administrative investigations and in~~

12 compliance with the OPA Manual and the purposes of this Chapter 3.29. Ensure that
13 investigators and investigative supervisors receive orientation and training when they begin
14 working at OPA, on administrative investigation best practices, commensurate with their duties.

15 ~~15. — 12. Consult with CPC regularly regarding needed OPA informational~~

16 materials to ensure they are readily understandable, culturally and linguistically appropriate, and
17 widely available to Seattle’s diverse residents both in English and in translation.

18 ~~16. — Obtain information about community perspectives and concerns germane~~

19 to OPA access and OPA’s oversight responsibilities by means including, but not necessarily
20 limited to, seeking support from CPC and other community stakeholders on community outreach
21 and receiving feedback on issues surfaced as a result of its community outreach activities.

22 ~~17. — Facilitate access to the accountability system, including the use of OPA~~

23 complainant navigators, community-based organizations, or other approaches that reflect or take

1 ~~into account the diversity of Seattle’s communities in order to provide additional channels for~~
2 ~~filing complaints and support understanding of the system and how to access it.~~

3 ~~18. Meet with CPC pursuant to Section 3.29.225 on issues of significant~~
4 ~~public interest related to police accountability and professional conduct.~~

5 ~~19. Advise the Mayor, City Attorney, City Council, Chief of Police, Inspector~~
6 ~~General, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and~~
7 ~~promote to policymakers changes to policies and practices, collective bargaining agreements,~~
8 ~~city ordinances, and state laws in order to support systemic improvements and other~~
9 ~~enhancements to SPD performance and in furtherance of community trust.~~

10 ~~20. Provide technical assistance to CPC, as reasonably requested and~~
11 ~~consistent with the purposes of this Chapter 3.29.~~

12 ~~2113. Collaborate with the Chief of Police, OIG, and other SPD leadership, and~~
13 ~~OIG to strengthen the involvement of supervisory personnel in the accountability system to~~
14 ~~enhance a culture of accountability throughout SPD.~~

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

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

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

1 3. A commitment to the statements of purpose and policies in this Chapter

2 3.29;

3 4. A history of leadership experience;

4 5. The ability to 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, Inspector General, and CPC;

8 6. An understanding of the City’s ethnic and socio-economic diversity and

9 proven experience working with and valuing the perspectives of diverse groups and individuals;

10 and

11 7. The ability to exercise sound judgment, independence, fairness, and

12 objectivity, and to carry out the duties of the OPA Director in a manner that reflects sound

13 judgment, independence, fairness, and objectivity in an environment where controversy is

14 common.

15 C. Appointment and removal

16 1. The OPA Director shall be appointed and reappointed ~~by the Mayor.~~

17 ~~Thein accordance with the process described in this Section 3.29.020.C. For appointments, the~~

18 Mayor shall select from up to three qualified finalists identified by a search committee through a

19 national process using merit-based criteria. ~~A representativeCPC Commissioners shall constitute~~

20 ~~at least 25 percent of CPCthe search committee, one of whom shall serve as ~~one~~one of the~~

21 search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a

22 new search. The appointee shall be confirmed by a majority vote of the full City Council. The

1 Mayor shall ~~consult with~~ receive input from the CPC and the Inspector General prior to
2 reappointments.

3 2. The OPA Director may be appointed and reappointed for up to three, four-
4 year terms for a total of 12 years. The terms shall be set to commence in years separate from the
5 Mayor’s term of office. Each term year shall commence on July 1, except for the first term of the
6 first OPA Director appointed pursuant to this Chapter 3.29, which will commence immediately
7 following City Council confirmation. The first four-year term served by the first OPA Director
8 appointed pursuant to this Chapter 3.29 shall include and not be limited by time served in office
9 after confirmation but prior to July 1. ~~The first OPA Director appointed pursuant to this Chapter~~
10 ~~3.29 may serve two subsequent four year terms.~~ If the OPA Director assumes office mid-term
11 due to a prior vacancy, the OPA Director may complete that term and then be reappointed for up
12 to three, four-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, ~~a three-member~~
20 ~~Special Committee of the City Council assigned by the City Council President~~committee
21 ~~responsible for public safety matters~~ shall appoint the OPA Director subject to confirmation by a
22 majority vote of the full City Council. If the City Council ~~does not confirm~~rejects the Mayor’s
23 appointee, the Mayor shall appoint a new OPA Director within 90 days and such appointment

1 shall be consistent with this Section 3.29.020, and subject to confirmation by a majority vote of
2 the full City Council. If the City Council does not act on the Mayor’s appointee within 30 days
3 of the submittal of the nomination to the City Council, the appointee shall be deemed to have
4 been confirmed.

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

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

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

22 b. Within ten days after receipt of the notice, the OPA Director may
23 file with the City Council President and the Chair of the committee responsible for public safety

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

8 ~~c. Following the Mayor’s written notice, and any hearing held at the~~
9 ~~If no request of the OPA Director for a hearing is made, the City Council shall ~~finalize its de~~~~
10 ~~novu review of the grounds for removal and~~ vote to approve or ~~not approve~~ reject the removal
11 within 30 days of ~~the hearing if held, or if no hearing is held, within 30 days of~~ receiving the
12 Mayor’s notice of the intended removal ~~from the Mayor~~, following input from the Inspector
13 General and CPC.

14 ~~d. A majority vote of the full City Council members~~ is required to
15 approve removal.

16 6. The Seattle Department of Human Resources shall obtain from an outside
17 law enforcement agency a thorough background check of ~~the Mayor’s~~ nominees for OPA
18 Director ~~identified by the Mayor~~ and report the results to the Mayor, prior to submittal of the
19 nomination to the City Council for confirmation.

20 Section ~~H~~12. A new Section 3.29.025 of the Seattle Municipal Code is added to
21 Subchapter I of Chapter 3.29 as follows:

1 **3.29.025 Office of Police Accountability—Classifications and investigations**

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

4 B. It shall be a condition of employment for all SPD employees to fully and timely
5 participate in an investigation whenever requested by OPA and failure to do so may result in
6 discipline by the Chief of Police, up to and including termination. Complainants may remain
7 anonymous and must be given the choice of an in-person interview. Unless the OPA Director
8 determines exigent circumstances require otherwise, all SPD employee interviews shall be
9 conducted in-person. All interviews shall be audio-recorded and transcribed, except any
10 interviews conducted before a Rapid Adjudication disposition. If an interview is transcribed
11 both the recording and the transcription shall be retained in the OPA case file.

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

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

1 ~~D.E.~~ When necessary, the OPA Director may issue a subpoena at any stage in an
2 investigation if evidence or testimony material to the investigation is not provided to OPA
3 voluntarily, in order to compel witnesses to produce such evidence or testimony. If the
4 subpoenaed individual or entity does not respond to the request in a timely manner, the OPA
5 Director may ask for the assistance of the City Attorney to pursue enforcement of the subpoena
6 through a court of competent jurisdiction.

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

16 ~~F.G.~~ In cases where a Sustained finding has been recommended by the OPA Director
17 and hearing from the complainant would help the Chief of Police better understand the
18 significance of the concern or weigh issues of credibility, the OPA Director may recommend that
19 the Chief meet with the complainant prior to the Chief making final findings and disciplinary
20 decisions.

21 ~~G.H.~~ As set forth in subsection 3.29.110.A.14, establish in the OPA Manual a protocol
22 for referral to OIG for classification and appropriate complaint-handling, such as Supervisor

1 Action, investigation, or alternative resolution, any complaints involving OPA staff that cannot
2 be handled within OPA due to a potential conflict of interest.

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

7 Section ~~4213~~. A new Section 3.29.026 of the Seattle Municipal Code is added to
8 Subchapter I of Chapter 3.29 as follows:

9 **3.29.026 Office of Police Accountability—Classification and investigation timelines**

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

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

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

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

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

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

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

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

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

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

1 employee an opportunity to discuss any additional information and suggest any additional
2 witnesses during the course of the employee’s OPA interview.

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

8 Section ~~13~~14. Section 3.28.812 of the Seattle Municipal Code, last amended by
9 Ordinance 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as
10 follows:

11 ~~((3.28.812))~~ **3.29.027 Office of ((Professional)) Police Accountability—Explanations of**
12 ~~((Certain Complaint Dispositions))~~ **certain complaint dispositions**

13 A. Where there is disagreement between the Chief of Police and the OPA Director as
14 to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall
15 engage in a supplemental meeting to discuss the disagreement, which shall occur after the
16 employee due process meeting has taken place. ~~The Inspector General shall be present at this~~
17 meeting.

18 ~~((A:))~~ B. If the Chief ~~((of Police))~~ decides not to follow the ~~((OPA’s))~~ one or more
19 of the OPA Director’s written recommendations on ~~((the disposition of an OPA complaint))~~
20 findings following an OPA investigation, the Chief shall ~~((make))~~ provide a written statement of
21 the material reasons for the decision. ~~((The statement shall not contain the officer’s name or any~~
22 ~~personal information about the officer.))~~ If the basis for ~~((not sustaining the complaint))~~ the
23 action is personal, involving family or ~~((medical information))~~ health-related circumstances

1 about the ~~((officer))~~ named employee, the statement shall refer to “personal ~~((information))~~
2 circumstances” as the basis. The Chief ~~of Police~~ shall make ~~((the))~~ this written statement within
3 ~~((60))~~ 30 days of ~~((his or her final))~~ the Chief’s decision ~~((on the disposition of the complaint))~~.

4 The written statement shall be provided to the Mayor, ~~City Council member~~the City Council
5 President and the Chair of the committee responsible for public safety matters, the City Attorney,
6 the OPA Director, ~~and~~the Inspector General, ~~and the CPC Executive Director~~, and be included
7 in the OPA case file and in a communication with the complainant and the public. If any findings
8 or discipline resulting from an investigation are changed pursuant to an appeal or grievance, this
9 responsibility shall rest with the City Attorney.

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

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

8 ~~((D.))~~ E. ~~((The written explanations required by Subsections A and B of this~~
9 ~~Section shall be provided to the Mayor and City Council.))~~ The OPA Director shall include
10 summaries of ~~((these explanations))~~ the written statements required by this Section 3.29.027 in
11 the OPA Director’s reports required by ~~((Seattle Municipal Code 3.28.825))~~ Section 3.29.030.
12 The summaries ~~((shall not identify or divulge personal information about the subject officer or~~
13 ~~officers or anyone else involved in the complaint and))~~ shall be ~~((subject to))~~ consistent with any
14 applicable confidentiality requirements in state or federal law.

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

17 Section ~~1415~~. A new Section 3.29.028 of the Seattle Municipal Code is added to
18 Subchapter I of Chapter 3.29 as follows:

19 **3.29.028 Office of Police Accountability—Staffing**

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

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

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

8 D. All staff shall have the requisite skills and abilities necessary for OPA to fulfill its
9 duties and obligations as set forth in this Chapter 3.29 and for OPA’s operational effectiveness,
10 ~~and no civilian staff shall be required to have sworn experience.~~

11 No civilian staff shall be required to have sworn experience and no civilian staff shall have been
12 formerly employed by SPD as a sworn officer.

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

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

19 G. OPA investigators and investigative supervisors shall receive training by
20 professional instructors outside SPD in best practices in administrative and police practices
21 investigations. OPA investigators and investigative supervisors shall also receive in-house
22 training on current SPD and OPA policies and procedures.

1 Section ~~1516~~. Section 3.28.825 of the Seattle Municipal Code, last amended by
2 Ordinance 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as
3 follows:

4 ~~((3.28.825 Reports.))~~ **3.29.030 Office of Police Accountability—Reporting**

5 A. Timely and informative reporting ~~to the public and its elected officials by OPA~~ is
6 important to sustain public trust, help the City’s police accountability system function
7 effectively, and allow for regular and continuous improvement. The OPA Director shall ~~request~~
8 ~~CPC’s assistance to make OPA produce annual reports that are~~ readily understandable, ~~and~~
9 ~~focused on responsive to~~ issues and trends of ~~most concern to~~, and allow for meaningful
10 ~~comparison of patterns and trends over time which are useful to policymakers and the public and~~
11 ~~stakeholders.. The reports should be delivered through channels that are easily accessible to the~~
12 ~~broad public~~ OPA Director shall request CPC’s assistance in doing so.

13 B. OPA shall maintain a website consistent with City Information Technology
14 standards and shall, ~~with the assistance of CPC~~, conduct community outreach to inform the
15 public about the police accountability system and how to access it. OPA’s website shall contain
16 comprehensive, substantive, and timely information on matters of public interest concerning
17 SPD’s accountability system, including information about OIG and CPC and links to their
18 websites.

19 C. OPA shall post online, in a timely manner, summaries of completed
20 investigations, including the allegations, analysis, and findings. Each month, OPA shall ~~post on~~
21 ~~its website and~~ distribute, by electronic subscription, a compilation of the completed
22 investigation summaries from the prior month, noting additionally any investigations for which
23 discipline has been appealed.

1 D. At the time they are issued, OPA shall post online and copy to OIG and CPC
2 letters sent to SPD recommending Management Actions. OPA shall timely post online and copy
3 to OIG and CPC updates on the outcomes of its Management Action recommendations,
4 including SPD written responses to OPA Management Action recommendations and the status of
5 ~~these~~ recommended changes to SPD policies or practices.

6 ~~E. OPA shall report quarterly to the Mayor, City Council, OIG, and CPC on the~~
7 ~~implementation of, or response to, OPA recommendations for Management Actions, Training~~
8 ~~Referrals, and other policy and practice improvements, providing information on their status and~~
9 ~~whether follow-through was timely and substantive.~~

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

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

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

22 H. OPA shall post online and electronically distribute an annual report to the Mayor,
23 City Attorney, City Council, Chief of Police, Inspector General, and CPC, as well as to the City

1 Clerk for filing as a public record. This report shall describe the work of OPA and include any
2 OPA Director recommendations for changes in policies and practices, collective bargaining
3 agreements, City ordinances, and state law. The annual report shall ~~address the extent to which~~
4 ~~the purpose, duties, and responsibilities detailed in this Chapter 3.29 have been met and also~~
5 detail the implementation status of any previous OPA policy and practice recommendations to
6 SPD or other City departments and agencies not yet fully implemented- ~~and if not met, the~~
7 ~~reason.~~ The annual report shall also summarize information received from community outreach
8 that has informed its work.

9 ~~((A-)) I. ((The Director shall issue at least two reports per year to the Mayor and~~
10 ~~City Council describing the work of the OPA and making recommendations for policy changes~~
11 ~~as determined by the Director. Each year at least one of the Director's reports shall report)) The~~
12 OPA Director's annual report shall include, ~~but not be limited to,~~ the following, ~~which may be~~
13 ~~modified in consultation with CPC to better help public understanding:~~

14 ~~((1. — The total number of complaints received by the Office of Professional~~
15 ~~Accountability;~~

16 ~~2. — The number of complaints by classification and nature of allegation;~~

17 ~~3. — The percentage of complaints resulting in each kind of finding, namely,~~
18 ~~sustained, not sustained, unfounded, supervisory intervention or exonerated;~~

19 ~~4. — The nature of disciplinary action taken in sustained cases;))~~

20 ~~1. — The number and percentage of all complaints by classification and nature~~
21 of allegation received by OPA;

22 ~~2. — The number and percentage of all complaints and allegations sustained~~
23 and the specific disciplinary or other remedial action taken in sustained cases;

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

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

7 5. The number and percentage of all complaints and allegations not
8 sustained, and the categorization of all not sustained findings, e.g., unfounded, inconclusive,
9 lawful and proper;

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

13 ~~((5-))~~ 7. The ~~geographic~~ precinct, sector, and shift distribution of incidents
14 underlying complaints;

15 ~~((6-))~~ 8. The racial, ethnic, ~~(and)~~ gender, and geographic distributions of
16 complainants, ~~((as))~~ to the extent this information is provided voluntarily by complainants;

17 ~~((7-))~~ 9. The racial, ethnic, gender, assignment, shift, and ~~service seniority~~
18 seniority distributions of ~~((officers))~~ named employees who are subjects of complaints;

19 ~~((8-))~~ 10. The number of ~~((officers))~~ named employees who have received
20 ~~((three))~~ two or more sustained complaints within one year; ~~((and~~

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

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

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

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

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

15 Section ~~16. A new Section 3.29.035 of the Seattle Municipal Code is added to Subchapter~~
16 ~~1 of Chapter 3.29 as follows:~~

17 **~~3.29.035 Office of Police Accountability—Meetings~~**

18 ~~A.—The OPA Director shall meet with CPC, its committees, and/or staff four times a~~
19 ~~year, and otherwise as reasonably requested and consistent with the purposes of this Chapter~~
20 ~~3.29, to provide and receive information concerning SPD and the police accountability system,~~
21 ~~and the extent to which the purposes and requirements of this Chapter 3.29 are being met. The~~
22 ~~OPA Director shall review the OPA yearly reports, recommendations, and the implementation~~
23 ~~status of those recommendations in these meetings with CPC.~~

1 ~~B. The OPA Director shall meet periodically with the Mayor, City Attorney, City~~
2 ~~Council, and Chief of Police to advise on the investigatory and disciplinary functions of OPA~~
3 ~~and SPD and make recommendations to improve OPA and SPD policies and practices, consistent~~
4 ~~with the purposes of this Chapter 3.29.~~

5 ~~Section~~ 17. Section 3.28.830 of the Seattle Municipal Code, last amended by Ordinance
6 120728, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

7 ~~((3.28.830))~~ **3.29.040 Office of Police Accountability—Confidentiality of files and**
8 **records ((-))**

9 ~~((The Director shall, in the case of unsustained complaints, prepare a summary of the~~
10 ~~investigation, including a description of the number of witnesses interviewed, the investigative~~
11 ~~methods employed, and a brief explanation of why the complaint was not sustained. The Director~~
12 ~~shall provide a copy of the summary to the complainant.))~~ The OPA Director shall protect the
13 confidentiality of ~~((Department))~~ OPA and SPD files and records to which ~~((s/he))~~ OPA has been
14 provided access to the extent permitted by applicable law and collective bargaining agreements,
15 in accordance with the provisions of this ~~((chapter))~~ Chapter 3.29, and in the same manner and to
16 the same degree as ~~((s/he))~~ the OPA Director would be obligated to protect attorney-client
17 privileged materials under legal and ethical requirements. The OPA Director shall also be bound
18 by the confidentiality provisions of the Criminal Records Privacy Act, ~~((RCW Chapter 10.97))~~
19 chapter 10.97 RCW, and ~~((Public Disclosure Act (RCW Section 42.17.250 et seq.))~~ disclosure
20 limitations under state and federal law. The OPA Director shall not identify the ~~((subject of an))~~
21 named employee in an OPA investigation in any public report required by this ~~((chapter))~~
22 Chapter 3.29.

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

3 **Subchapter ((VIII)) II Office of ((Professional Accountability Auditor)) Inspector General**
4 **for Public Safety**

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

7 **3.29.100 Office of Inspector General for Public Safety established—PurposeFunctions and**
8 **authority**

9 ~~A.—There is established an independent OIG to provide civilian oversight of the~~
10 ~~effectiveness and responsiveness of SPD and OPA management and operations, as well as of the~~
11 ~~accountability and criminal justice system operations and practices that involve SPD or OPA.~~
12 ~~OIG is an essential component of the checks and balances that comprise the police oversight~~
13 ~~system.~~

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

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

18 ~~C.—The work of OIG is intended to further instill confidence and public trust in the~~
19 ~~effectiveness and professionalism of SPD and in the fairness and integrity of the police~~
20 ~~accountability system by providing civilian authority to review all aspects of SPD and OPA~~
21 ~~systems, policies, and practices. OIG shall provide an independent perspective on the efficacy of~~
22 ~~the policies, procedures, and practices of SPD, OPA, and related City departments and agencies.~~
23 ~~OIG shall also provide additional professional review of OPA investigations.~~ There shall be

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

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

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

17 F. OIG shall review ~~of~~ OPA's misconduct complaint-handling and investigations,
18 ~~and~~ other OPA activities, and ~~report on~~ the effectiveness, accessibility, timeliness, transparency,
19 and responsiveness of the complaint system.

20 G. OIG may also conduct audits and reviews for any areas that may (a) involve
21 potential conflicts of interest; (b) involve possible fraud, waste, abuse, inefficiency or
22 ineffectiveness; (c) undermine accountability or ethical standards; or (d) otherwise compromise
23 the public's trust in the police or the criminal justice system.

1 H. OIG shall have the authority to review and audit policies and practices of other
2 City departments and E. ——— OIG shall have primary responsibility to ensure ongoing fidelity to
3 organizational reforms implemented pursuant to the goals of the Consent Decree to ensure
4 constitutional, accountable, effective, and respectful policing.

5 Foffices in areas related to policing and criminal justice matters.

6 I. OIG shall have responsibility to oversee and audit police activities to ensure the
7 ongoing integrity of enhance an SPD culture of police accountability through means including,
8 but not limited to, the following:

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

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

15 GJ. OIG shall be responsive to community needs and concerns through means
16 including, but not limited to, the following:

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

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

1 3. providing technical assistance on OIG matters to CPC, as reasonably requested

2 and consistent with the purposes of this Chapter 3.29; and

3 4. maintaining and promoting use of a hotline and other technologies to receive

4 anonymous reports from the public and City employees regarding matters germane to this

5 Chapter 3.29.

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

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

11 3.29.105 Office of Inspector General for Public Safety~~H. — OIG shall have the authority~~
12 ~~to review and audit policies and practices of other City departments and agencies in areas related~~
13 ~~to policing and criminal justice matters.~~

14 ~~Section 20. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter~~
15 ~~H of Chapter 3.29 as follows:~~

16 **~~3.29.105 Office of Inspector General — Independence~~**

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

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

22 C. Except as prohibited by law, OIG shall have timely, full, and direct access to all
23 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other

1 City departments and offices that are necessary to perform its duties set forth in this Chapter

2 3.29. Should any City department decline to provide OIG access to documents or data, the
3 declining department shall provide the Inspector General with an itemization describing the
4 documents or data withheld and the legal basis for withholding access to each item. OIG shall
5 have authority to observe reviews, meetings, and trainings, such as SPD administrative
6 investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint
7 investigations.

8 Section 21. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance
9 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

10 ~~A. ((3.28.855 OPA Auditor's Authority and Responsibility.)) 3.29.110 Office of~~
11 ~~Inspector General~~ ~~The Inspector General and OIG shall exercise their discretionary and oversight~~
12 ~~responsibilities granted by this Chapter 3.29 without interference from any person, group, or~~
13 ~~organization, including the Chief of Police, other SPD employees, or other City officials, except~~
14 ~~that the Inspector General and OIG staff shall be subject to oversight as set forth in this Chapter~~
15 ~~3.29. City employees or agents who violate these provisions may be subject to dismissal,~~
16 ~~discipline, or censure consistent with City and state laws.~~

17 ~~B.A. The Inspector General shall have authority for the hiring, supervision, and~~
18 ~~discharge of all OIG staff.~~

19 ~~C.A. A budget with sufficient staffing and resources for effective OIG operations shall~~
20 ~~be submitted annually by the Inspector General separate and distinct from the budget of any~~
21 ~~other City department.~~

22 ~~D.A. Except as prohibited by law, OIG shall have timely, full, and direct access to all~~
23 ~~relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other~~

1 ~~City departments and agencies that are necessary to perform its duties set forth in this Chapter~~

2 ~~3.29. Should any City department decline to provide OIG access to documents or data, the~~
3 ~~declining department shall provide the Inspector General with an itemization describing the~~
4 ~~documents or data withheld and the legal basis for withholding access to each item. OIG shall~~
5 ~~have authority to observe reviews, meetings, and trainings, such as SPD administrative~~
6 ~~investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint~~
7 ~~investigations.~~

8 ~~Section 21. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance~~
9 ~~122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:~~

10 ~~((3.28.855 OPA Auditor's Authority and Responsibility.))~~ 3.29.110 Office of Inspector
11 General for Public Safety—Inspector General

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

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

7 ~~C. OPA Auditor May Require Further Investigation of OPA Complaints.~~

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

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

22 ~~[E. Reserved.]~~

1 ~~F. OPA Auditor's Access to Records; Restriction on Access When Criminal~~

2 ~~Investigation Pending; Return of Records.~~

3 1. ~~The OPA Auditor shall have access to all OPA files and records, provided,~~
4 ~~however, that the OPA Auditor shall not have access to files designated by the OPA as relating~~
5 ~~to an active criminal investigation of an officer until such time as the Department has given the~~
6 ~~subject officer written notification of the investigation. The OPA Director shall provide the OPA~~
7 ~~Auditor with quarterly status reports regarding OPA cases in which criminal investigations are~~
8 ~~also being undertaken. These status reports shall include the number of ongoing OPA criminal~~
9 ~~investigations and the month during which each investigation was originated, and the number of~~
10 ~~new criminal investigations initiated that quarter.~~

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

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

21 G. ~~OPA Auditor Access to Caseload, Workload and Procedural Information. The~~
22 ~~OPA Auditor is authorized to request any information on OPA cases, workload, or procedures~~

1 ~~that he or she finds necessary in order to conduct an ongoing analysis of the Department's OPA~~
2 ~~process. The Department shall make the requested information available to the Auditor.))~~

3 A. The ~~duties of the~~ Inspector General ~~are~~ shall have the authority and responsibility
4 to:

5 11. ~~Manage all functions and responsibilities of OIG.~~

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

10 ~~2. ~~Conduct risk management reviews and performance audits, including~~~~
11 ~~analysis of sample and aggregate data to establish patterns and trends, of any and all SPD and~~
12 ~~OPA operations, and criminal justice system operations that involve SPD or OPA. Audits may~~
13 ~~also be conducted for any areas that may (a) involve potential conflicts of interest; (b) involve~~
14 ~~possible fraud, waste, abuse, inefficiency or ineffectiveness; (c) undermine accountability or~~
15 ~~ethical standards; or (d) otherwise compromise the public's trust in the police or the criminal~~
16 ~~justice system.~~

17 33. ~~Review OPA and SPD handling of allegations of misconduct, including~~
18 ~~directing audits and reviews of OPA classifications and investigations, directing any additional~~
19 ~~OPA investigation, and making certification determinations on whether OPA investigations are~~
20 ~~complete.~~

21 4. ~~Handle complaints involving OPA staff where a potential conflict of~~
22 ~~interest precludes OPA from handling the complaint.~~

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

1 6. Set OIG’s annual workplan. The workplan shall take into account input
2 from the OPA Director and CPC on areas of concern identified in the course of their duties. The
3 Council may direct the addition of items to the OIG’s work plan. The workplan may be modified
4 during the year to accommodate emergent issues. ~~—OIG’s audits and reviews may include any~~
5 ~~and all police operations, for the purposes of determining whether SPD is meeting its mission to~~
6 ~~address crime and improve quality of life through the delivery of constitutional, professional, and~~
7 ~~effective police services consistent with best practices, and meeting its mission in a way that~~
8 ~~reflects the values of Seattle’s diverse communities. These audits and reviews may include, but~~
9 not be limited to:

10 a. ~~All SPD and OPA policies, regulations, practices, budgets, and~~
11 ~~consultant contracts;~~

12 b. ~~SPD administrative investigation unit processes, such as force~~
13 ~~review and collision review;~~

14 c. ~~SPD crime data and SPD’s overall crime data collection and~~
15 ~~reporting practices;~~

16 d Budget constraints of OIG and its need to balance a range of priorities shall be
17 taken into account by OIG in adding areas to its workplan.

18 7. Review SPD handling of incidents involving death, serious injury,
19 serious use of force, mass demonstrations, serious property or vehicle damage, or other issues as
20 determined by OIG. ~~—Recruitment, hiring, post-Academy and in-service training, promotions,~~
21 ~~assignments, use of overtime, secondary employment, deployment, and supervision, including~~
22 ~~command and front line supervisory functions;~~

1 ~~e. The effectiveness of any early intervention or performance~~
2 ~~mentoring system in supporting improved officer performance and mitigating misconduct;~~

3 ~~f. Technology and systems of data collection, management, and~~
4 ~~analysis;~~

5 ~~g. The acquisition of, uses, and significant changes to tactical~~
6 ~~equipment, vehicles, facilities and uniforms;~~

7 ~~h. The accuracy and thoroughness of video recording reviews and the~~
8 ~~appropriate recording and retention of video recordings;~~

9 ~~i. 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 ~~j. Incidents of significant concern to the public, such as those~~
13 ~~involving injury or death in police custody or the management of demonstrations;~~

14 ~~k. Patterns in complaints and misconduct outcomes involving, among~~
15 ~~other categories, use of force and biased policing;~~

16 ~~l. Assessment of the fairness, objectivity, certainty, timeliness,~~
17 ~~consistency, and the appropriate application and effectiveness of imposed discipline in sustained~~
18 ~~misconduct cases;~~

19 ~~m. 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 ~~n. 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 ~~o. Evaluation of appropriate SPD records retention, and conformity to~~

5 ~~public disclosure, open access to information, and privacy standards.~~

6 ~~4. Review SPD handling of incidents involving death, serious injury, serious~~

7 ~~use of force, mass demonstrations, serious property or vehicle damage, or other issues as~~

8 ~~determined by OIG. This may include auditing, monitoring, or other review of SPD's~~

9 ~~administrative investigations or reviews of incidents to assess the quality, thoroughness, and~~

10 ~~integrity of the investigations; assessing the integrity of specific findings from the investigations;~~

11 ~~and reviewing after-action reports.~~

12 ~~a. To fulfill OIG's monitoring obligations of incidents, the Inspector~~

13 ~~General or OIG representative(s) designated by the Inspector General, shall have full authority to~~

14 ~~respond to any incident scene and have access to the scene to the extent that they request it~~

15 ~~related to its authority as set forth in this Chapter 3.29.~~

16 ~~b. OIG representative(s) may also attend and participate in SPD~~

17 ~~administrative investigation unit interviews and meetings held to review Force Investigation~~

18 ~~Team (FIT) information or discuss any incidents, including those to which scenes OIG has~~

19 ~~responded, at the Inspector General's discretion, related to its authority as set forth in this~~

20 ~~Chapter 3.29.~~

21 ~~c. Whether at the scene of an incident or in subsequent SPD~~

22 ~~administrative investigation unit interviews or meetings concerning any incident, OIG~~

1 representative(s) may identify areas of concern related to its authority as set forth in this Chapter

2 3.29.

3 ~~5. Issue recommendations to improve operations, policies, and practices to~~
4 ~~address any systemic problems identified in OIG’s performance audits and reviews of specific~~
5 ~~incidents.~~

6 ~~6. Review OPA and SPD handling of allegations of misconduct.~~

7 ~~78. Monitor the implementation by SPD, OPA, City elected officials, and~~
8 ~~other City departments and offices of recommendations made by the Inspector General, the OPA~~
9 ~~Director, and CPC.~~

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

15 ~~8. OIG shall collaborate with the Chief of Police, the OPA Director, and~~
16 ~~other SPD leadership to strengthen the involvement of supervisory personnel in the~~
17 ~~accountability system so as to enhance a culture of accountability throughout SPD.~~

18 ~~9. OIG shall work with the OPA Director and SPD to make disciplinary~~
19 ~~processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent,~~
20 ~~and effective as possible and report out to the public on any concerns with or regard to discipline~~
21 ~~or disciplinary processes.~~

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

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

6 ~~1211. Issue a subpoena if evidence or testimony necessary to perform the duties~~
7 ~~of OIG set forth in this Chapter 3.29 is not provided voluntarily, in order to compel witnesses to~~
8 ~~produce such evidence or testimony. If the subpoenaed individual or entity does not respond to~~
9 ~~the request in a timely manner, the Inspector General may ask for the assistance of the City~~
10 ~~Attorney to pursue enforcement of the subpoena through a court of competent jurisdiction.~~

11 ~~13. Perform the police intelligence auditor functions defined in Chapter 14.12.~~

12 ~~14. Conduct a study by the end of the first Inspector General's initial year in~~
13 ~~office to ascertain the effectiveness of OPA's mixed sworn and civilian staffing arrangements~~
14 ~~and issue recommendations as to whether further changes are warranted; and thereafter,~~
15 ~~periodically review, report, and issue recommendations on the efficacy of OPA's mixed sworn~~
16 ~~and civilian staffing complement and whether an increased or reduced number of sworn staff is~~
17 ~~recommended.~~

18 ~~15. Advise the Mayor, City Attorney, City Council, Chief of Police, OPA~~
19 ~~Director, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and~~
20 ~~promote to policymakers changes to policies and practices, collective bargaining agreements,~~
21 ~~City ordinances, and state laws in order to support systemic improvements and other~~
22 ~~enhancements to SPD performance and in furtherance of public trust.~~

1 ~~16. Provide technical assistance to CPC, as reasonably requested and~~
2 ~~consistent with the purposes of this Chapter 3.29.~~

3 ~~17. Maintain and promote use of a hotline to receive anonymous reports from~~
4 ~~the public and City employees regarding issues germane to OIG’s responsibilities pursuant to~~
5 ~~this Chapter 3.29.~~

6 ~~18. Consult with CPC regularly regarding needed OIG informational materials~~
7 ~~to ensure they are readily understandable and widely available to Seattle’s diverse residents both~~
8 ~~in English and in translation.~~

9 ~~19. Obtain information about community perspectives and concerns germane~~
10 ~~to OIG’s oversight responsibilities by means including, but not necessarily limited to, seeking~~
11 ~~support from CPC on community outreach and receiving feedback from CPC on issues surfaced~~
12 ~~as a result of its community outreach activities.~~

13 ~~20. The Inspector General shall independently set OIG’s workplan. However,~~
14 ~~the Inspector General shall meet with CPC annually to review a draft of OIG’s workplan. At this~~
15 ~~meeting, CPC may identify additional specific areas for investigation and evaluation by OIG that~~
16 ~~in CPC’s judgment are needed to ensure constitutional policing and public trust in SPD and in~~
17 ~~related criminal justice practices for inclusion in the annual OIG workplan. OIG’s annual~~
18 ~~workplan shall also make provision for the investigation and evaluation of emergent issues~~
19 ~~identified by CPC and other community stakeholders during the year that may not be known at~~
20 ~~the time that the annual OIG workplan is adopted. ~~Budget constraints of OIG and its need to~~~~
21 ~~balance a range of priorities shall be taken into account by OIG in adding areas to its workplan.~~

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

1 **3.29.111 Office of Inspector General for Public Safety—Review of OPA classifications**

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

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

10 C. OIG may require that the OPA Director submit each proposed classification
11 decision to OIG for review and input prior to OPA making a final classification determination
12 until such time OIG ~~is satisfied~~determines that such increased involvement in classifications is
13 no longer needed ~~and, in which case~~ quarterly ~~random classification~~ audits shall resume.

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

16 **3.29.112 Office of Inspector General for Public Safety—Review of OPA investigations**

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

20 1. After OPA believes an investigation to be complete, OIG shall review all
21 investigations involving misconduct allegations concerning violations of law; honesty; use of
22 force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position
23 or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct;

1 retaliation; harassment; responsibilities of employees regarding complaints of misconduct;
2 discretion and authority; primary investigations; stops, detentions and arrests; or search and
3 seizure.

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

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

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

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

22 D. If OIG finds that the investigation is not ready to be certified, OIG may request or
23 direct further investigation. Upon completion of any additional work requested or directed by

1 OIG, the case shall be re-submitted to OIG for certification before the OPA Director may issue
2 proposed findings.

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

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

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

17 2. Criteria OIG should consider in reviewing investigations include, but are
18 not limited to: (a) whether witnesses were contacted, interviewed, and all other material evidence
19 was timely collected; (b) whether interviews were thorough and unbiased and conflicting
20 testimony was sufficiently addressed; (c) whether additional clarifying information would
21 strengthen the investigation; (d) whether the written summary and analysis are objective and
22 accurately reflect the evidence; and (e) whether applicable OPA procedures were followed and
23 the intake and investigation were conducted in accordance with the OPA Manual.

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

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

9 Section 24. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance
10 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

11 ~~((3.28.850))~~ **3.29.113** Office of ~~((Professional Accountability Auditor established))~~ **Inspector**

12 **General for Public Safety—Qualifications**

13 ~~((A.— There shall be an Office of Professional Accountability Auditor (hereinafter
14 “OPA Auditor”) who shall be appointed by the Mayor, subject to confirmation by the City
15 Council, to provide review and assessment of Office of Professional Accountability (hereinafter
16 “OPA”) complaints and of Police Department policies and practices related to police
17 accountability and professional conduct. The OPA Auditor shall serve a term of three years and
18 may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by
19 the City Council. No individual may serve more than three three year terms as OPA Auditor.
20 Should an OPA Auditor take office at any time after commencement of a regular term, the
21 expiration of that term shall remain unaffected. The OPA Auditor may be removed from office
22 for cause by the Mayor by filing a statement of reasons for removal with the City Council. The~~

1 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's~~
2 ~~annual budget.~~

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

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

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

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

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

21 ~~((5.))~~ The potential for gaining the respect of complainants, Police Department
22 personnel, and the citizens of this City;

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

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

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

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

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

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

21 **3.29.114 Office of Inspector General for Public Safety—Appointment and removal**

22 A. The Inspector General shall be appointed and reappointed ~~by a three member~~
23 ~~Special Committee of~~ in accordance with the process described in this Section 3.29.114. For

1 appointments, the City Council. ~~The Special Committee~~ committee responsible for public safety
2 matters (“public safety committee”) shall select from up to three qualified finalists identified by a
3 search committee through a national process using merit-based criteria. ~~A representative of~~ CPC
4 Commissioners shall constitute at least 25 percent of the search committee, one of whom shall
5 serve as one of the search committee co-chairs. The ~~Special Committee~~ public safety committee
6 shall either appoint from among the finalists or initiate a new search. The appointee shall be
7 confirmed by a majority vote of the full City Council. The ~~Special Committee~~ public safety
8 committee shall ~~consult with~~ receive input from the CPC and the OPA Director prior to
9 reappointments.

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

19 C. Each appointment and reappointment shall be made whenever possible
20 sufficiently prior to the expiration of the latest incumbent’s term of office, or the effective date of
21 an incumbent’s resignation, permitting City Council action to appoint or reappoint at least 45
22 days before the expiration of the present term or the effective date of the resignation, so as to
23 have a seamless transition without a gap in oversight. If the ~~Special Committee~~ public safety

1 committee does not make an appointment or reappointment or does not initiate a new search
2 within 90 days of the first day of the expiration of a term or of a vacancy, the Mayor shall
3 appoint the Inspector General subject to confirmation by a majority vote of the full City Council.
4 If the City Council ~~does not confirm~~rejects the ~~Special Committee's~~committee's appointee, the
5 ~~Special Committee~~committee shall appoint a new Inspector General within 90 days and such
6 appointment shall be consistent with this Section 3.29.114, and subject to confirmation by a
7 majority vote of the full City Council. If the City Council does not act on the ~~Special~~
8 ~~Committee's~~committee's appointee within 30 days of the submittal of the nomination to the City
9 Council, the appointee shall be deemed to have been confirmed.

10 D. In the event of a vacancy, the City Council President shall designate an interim
11 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector
12 General is appointed. If the City Council President does not designate an interim Inspector
13 General within ten days of the first day of the vacancy, the City Attorney's Office shall provide
14 notice to the Mayor and the interim Inspector General shall be designated by the Mayor. The
15 interim Inspector General may be either an OIG employee or an individual from outside OIG,
16 but must meet key qualifications in ~~this~~ Section 3.29.~~114~~113. An Inspector General whose term
17 is ending may continue on an interim basis until a successor has been confirmed by the City
18 Council. An interim term shall not count as a full term for the purposes of calculating term limits
19 under this Section 3.29.114.

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

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

4 ~~2.~~ 2. Within ten days after receipt of the notice, the Inspector General may
5 file with the City Council President and the Chair of the public safety committee a request for a
6 hearing on the cause for removal. The Inspector General’s request for a hearing shall be
7 delivered at the same time to the Mayor, the OPA Director, the Chief, and ~~to~~ the CPC Executive
8 Director. If such request is made, the City Council shall convene a hearing on the cause for
9 removal in the public safety committee not sooner than 30 days and not more than 60 days
10 following the Inspector General’s request for a hearing, at which the Inspector General may
11 appear, be represented by publicly-funded counsel, and be heard. The City Council shall vote to
12 approve or reject the removal within 30 days of the hearing.

13 3. ~~Following the City Council President’s written notice, and any hearing~~
14 ~~held at the~~ If no request ~~of the Inspector General for a hearing is made,~~ the City Council shall
15 ~~finalize its review of the grounds for removal and~~ vote to approve or ~~not approve~~ reject the
16 removal within 30 days of ~~the hearing if held, or if no hearing is held, within 30 days of~~ issuing
17 notice of the intended removal, following input from CPC.

18 4. A two-thirds vote of the full City Council ~~members~~ is required to approve
19 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 AB. OIG shall maintain a website, consistent with City Information Technology
7 standards; and and shall, with the assistance of CPC, conduct community outreach to inform the
8 public about OIG’s role and scope of responsibilities.

9 B. The Inspector General shall report quarterly to the Mayor, City Council, and CPC
10 on the implementation of, or response to, OIG recommendations for policy and practice
11 improvements, providing information on their status and whether follow through was timely and
12 substantive.

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

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

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

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

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

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

9 5. Analyses of patterns and trends,

10 6. Summaries of its performance audits, and its

11 7. An assessment of research and successful practices in other jurisdictions. This report
12 shall include any;

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

14 9. Any OIG recommendations for changes in policies and practices, collective
15 bargaining agreements, cityCity ordinances, and state laws. The annual report shall also detail
16 the implementation status of any previous OIG policy and practice recommendations to SPD,
17 OPA, or other City departments and agencies. The annual report shall also summarize; and

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

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

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

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

6 ~~3.—The number of and a description of OPA complaints for which the OPA~~
7 ~~Auditor requested reclassification or further investigation and a description of the OPA’s~~
8 ~~responses;))~~

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

12 ~~((4-))~~ 3. ~~((A summary of issues, problems and))~~ A description of any
13 concerns or trends noted ((by the OPA Auditor as a result of his or her review)) in OPA
14 complaint intake and investigations;

15 4. A description of patterns and concerns identified from review of inquests
16 and from review of claims and lawsuits alleging SPD misconduct, including judgments and
17 settlements, units disproportionately represented as subjects of claims and lawsuits, and related
18 training;

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

21 ~~((5.—Any recommendations that the Department consider additional officer~~
22 ~~training, including recommendations that the Department consider specialized training for IIS~~
23 ~~investigators;~~

1 6. ~~Any recommendations the Department consider policy or procedural~~
2 ~~changes; and~~)

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

5 7. ~~((Any findings))~~ Findings from audits of OPA records or the OPA
6 Director's reports; ~~and~~

7 8. ~~Other information, as appropriate, including information requested by~~
8 ~~CPC that would help make reporting as useful as possible to the public.~~

9 ~~((B.—The OPA Auditor's report shall not contain any recommendations concerning the~~
10 ~~discipline of any particular police officer, nor shall the report comment upon or make any~~
11 ~~recommendation concerning potential civil or criminal liability of any employee, police officer,~~
12 ~~or citizen.))~~

13 ~~((C.))~~ EF. The ~~((OPA Auditor))~~ Inspector General shall deliver a preliminary draft of
14 ~~((his/her semiannual report))~~ the reports to the ~~((OPA Director and))~~ Chief ~~((of Police.)),~~ the
15 OPA Director, and CPC Executive Director, or other City directors, when any of their
16 departments and agencies, as appropriate or offices is the subject of the report, for review and
17 comment. ~~((The OPA Director and Chief of Police))~~ They shall review and comment on the
18 preliminary report to the Inspector General within ~~((40 working days))~~ ten days after receipt of
19 the report. They shall not release or distribute the report to others during the review period. The
20 ~~((OPA Auditor))~~ Inspector General shall ~~((submit))~~ then issue the final report within ~~((40~~
21 ~~working days))~~ ten days after receipt of ~~((the Director's and Chief's))~~ any comments.

22 F. The Inspector General shall request CPC's assistance to make OIG reports readily
23 understandable and deliver them through channels that are easily accessible to the broad public.

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

4 Section 27. ~~Section 3.28.865 of the Seattle Municipal Code, last amended by Ordinance~~
5 ~~120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:~~

6 ~~((3.28.865 OPA Auditor to meet with Mayor, City Council, and Chief of Police.))~~

7 ~~**3.29.120 Office of Inspector General— Meetings**~~

8 ~~The Inspector General shall meet with CPC, its committees, and/or its staff, four times a year,~~
9 ~~and otherwise as reasonably requested and consistent with the purposes of this Chapter 3.29, to~~
10 ~~provide and receive information concerning SPD and the police accountability system, and the~~
11 ~~extent to which the purposes and requirements of this Chapter 3.29 are being met. The Inspector~~
12 ~~General shall review OIG’s reports, recommendations, and the implementation status of those~~
13 ~~recommendations in these meetings with CPC.~~

14 A. ~~— The ((OPA Auditor)) Inspector General shall meet periodically with the Mayor,~~
15 ~~City Attorney, City Council, ((OPA Review Board)) and ((the)) Chief of Police, to advise on the~~
16 ~~performance and functions of OPA and SPD and ((regarding)) make recommendations to~~
17 ~~improve ((the)) OPA and SPD ((investigative process within the framework of applicable law~~
18 ~~and labor agreements)) policies and practices, consistent with the purposes of this Chapter 3.29.~~

19 ~~Section 28.~~Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance
20 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

21 ~~((3.28.870))~~ **3.29.125 Office of Inspector General for Public Safety** ~~— ((Confidentiality of~~
22 ~~files)) **Files and records**~~

1 A. ~~((In discharging his or her responsibilities, the OPA Auditor))~~ The Inspector
2 General shall protect the confidentiality of ~~((Department))~~ OPA and SPD files and records to
3 which ~~((s/he))~~ OIG has been provided access to the extent permitted by applicable law and
4 collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in
5 the same manner and to the same degree as ((s/he)) the Inspector General would be obligated to
6 protect attorney-client privileged materials under legal and ethical requirements. The ~~((OPA~~
7 ~~Auditor))~~ Inspector General shall also be bound by the confidentiality provisions of the Criminal
8 Records Privacy Act, chapter 10.97 RCW, ~~((RCW Chapter 10.97))~~ and ~~((Public Disclosure Act~~
9 ~~(RCW Section 42.17.250 et seq.))~~ disclosure limitations under state and federal law. The ~~((OPA~~
10 ~~Auditor))~~ Inspector General shall not identify the ~~((subject of an investigation))~~ named employee
11 in an OIG audit in any public report required by this ((chapter)) Chapter 3.29.

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

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

17 Section ~~2928~~. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified
18 as Subchapter III of Chapter 3.29 and amended as follows:

19 **Subchapter ~~((IX)) III~~ ~~((Office of Professional Accountability Board)) Community Police~~**
20 **Commission**

21 Section ~~3029~~. A new Section 3.29.200 of the Seattle Municipal Code is added to
22 Subchapter III of Chapter 3.29 as follows:

23 **3.29.200 Community Police Commission established—~~Purpose~~Functions and authority**

1 A. One of the cornerstones of effective oversight of law enforcement is community
2 involvement. The ~~purpose of CPC~~Community Police Commission is established to ~~provide the~~
3 ~~public with meaningful participatory oversight of SPD policies and practices of particular~~
4 ~~significance to the public or affecting public trust in accord with~~fulfill the purposes of this
5 ~~Chapter set forth in Section 3.29 with the goal that police services are delivered in a lawful and~~
6 ~~nondiscriminatory manner and are in alignment with the values and expectations of the~~
7 ~~community. The work of CPC is intended to further instill confidence and public trust in the~~
8 ~~fairness and integrity of the police accountability system and in the effectiveness and~~
9 ~~professionalism of SPD.~~005.

10 B. CPC was originally established by ordinance with responsibilities under athe
11 Consent Decree between The City of Seattle and the United States Department of Justice. The
12 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in
13 this Chapter 3.29. It is the City’s intention that civilian oversight be enhanced and broadened
14 beyond the scope set forth in the Consent Decree in order to better serve the public. To the
15 extent not otherwise covered by this Chapter 3.29, CPC shall continue to fulfill the
16 responsibilities of CPC as set forth in the Consent Decree and Memorandum of Understanding in
17 United States of America v. City of Seattle, 12 Civ. 1282 (JLR) until such time as the Consent
18 Decree ends. Until such time as the Consent Decree ends, CPC shall prioritize these ongoing
19 responsibilities over any additional responsibilities set forth in this Chapter 3.29.

20 C. CPC shall review and provide input to OPA, OIG, SPD, and other City
21 departments and offices, including the Mayor, City Council, and City Attorney on the police
22 accountability system, police services, and SPD policies and practices of significance to the

1 public, consistent with the purposes of this Chapter 3.29. Such review may include input on
2 policy and practice changes recommended by the OPA Director, the Inspector General, or SPD.

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

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

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

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

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

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

1 Section ~~3130~~. Section 3.28.900 of the Seattle Municipal Code, last amended by
2 Ordinance 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as
3 follows:

4 ~~((3.28.900))~~ 3.29.205 Office of ((Professional Accountability Board established.)) the
5 Community Police Commission—Established

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

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

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

1 Section ~~3231~~. A new Section 3.29.206 of the Seattle Municipal Code is added to
2 Subchapter III of Chapter 3.29 as follows:

3 **3.29.206 Office of the Community Police Commission—Executive Director**

4 A. The term of the current CPC Executive Director (Executive Director) appointed
5 pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current-~~CPC~~
6 Executive Director may be reappointed to subsequent terms consistent with the requirements of
7 this Chapter 3.29.

8 B. Executive Director—Appointment

9 1. There shall be an Executive Director, appointed by ~~the Mayor~~CPC. The
10 position of Executive Director shall be exempt from the classified civil service. The Executive
11 Director shall not have been formerly employed by SPD. The term of the Executive Director
12 position is ~~four~~six years.

13 2. Each Executive Director’s initial appointment is subject to confirmation
14 by the City Council. Reappointment of an Executive Director to successive terms by ~~the~~
15 ~~Mayor~~CPC is not subject to City Council confirmation. If an individual who previously served as
16 Executive Director is again appointed after a different individual was confirmed as the Executive
17 Director by the City Council that new appointment is subject to City Council confirmation as an
18 initial appointment.

19 3. If an individual is reappointed to a successive term as Executive Director
20 within 60 days prior to or 60 days after the expiration of that individual’s term, the ensuing term
21 begins on the date the prior term expired. If an individual is reappointed to a successive term as
22 Executive Director more than 60 days prior to or 60 days after the expiration of the individual’s
23 term, the new term begins on the date of reappointment ~~by the Mayor~~ unless ~~the Mayor~~CPC

1 chooses, at the time of reappointment, to make the new term begin on the date the prior term
2 expires or expired.

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

7 5. In the event of a vacancy, ~~the Mayor~~CPC shall designate an interim
8 Executive Director within ten days of the first day of the vacancy. The interim Executive
9 Director shall meet the key qualifications set forth in this Chapter 3.29.

10 C. ~~The Mayor~~ CPC may remove the ~~CPC~~ Executive Director ~~from office~~ only for
11 cause ~~and with~~upon a majority vote of its membership.

12 C.D. ~~CPC shall annually evaluate the City Council performance of the Executive~~
13 Director, after soliciting perspectives from City officials and community members with whom
14 the Executive Director interacts in the course of performing the Executive Director's duties.

15 D.E. ~~The duties of the~~ CPC Executive Director ~~are as follows~~shall have the authority
16 and responsibility to:

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

19 2. Hire, supervise, and discharge employees of the Office of the CPC.
20 Employees of the Office of the CPC shall collectively have the requisite credentials, skills, and
21 abilities to fulfill the duties and obligations of CPC set forth in Chapter 3.29;

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

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

8 5. Represent, together with Commissioners, CPC in providing testimony and
9 expertise to City departments and agencies/offices, commissions, and other organizations
10 pertaining to issues of constitutional policing; and

11 6. Exercise such other and further powers and duties as prescribed by this
12 Chapter 3.29.

13 Section 3332. A new Section 3.29.210 of the Seattle Municipal Code is added to
14 Subchapter III of Chapter 3.29 as follows:

15 **3.29.210 Community Police Commission—Independence**

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

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

1 ~~C. CPC’s independence is critical to its ability to perform its oversight role~~
2 ~~effectively. SPD employees and City officials shall respect the obligation of Commissioners and~~
3 ~~CPC staff to exercise independent judgment and offer critical analysis. CPC and employees of~~
4 ~~the Office of the CPC shall exercise their discretionary and oversight responsibilities granted by~~
5 ~~this Chapter 3.29 without interference from any person, group, or organization, including the~~
6 ~~Chief of Police, other SPD employees, or other City officials. City employees or agents who~~
7 ~~violate these provisions may be subject to dismissal, discipline, or censure consistent with city~~
8 ~~and state laws.~~

9 ~~D.C.~~ Without the necessity of making a public disclosure request, CPC may request
10 and shall timely receive from other City departments and agencies/offices, including SPD,
11 information relevant to its duties under this Chapter 3.29 that would be disclosed if requested
12 under the Public Records Act.

13 Section ~~3433~~. Section 3.28.905 of the Seattle Municipal Code, last amended by
14 Ordinance 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as
15 follows:

16 ~~((3.28.905 Appointment of the OPA Review Board))~~ 3.29.215 Community Police
17 Commission—Commission

18 ~~((A. The City Council shall appoint the seven members of the OPA Review Board.~~
19 ~~The first term of any member shall be no longer than two years. Members may be reappointed to~~
20 ~~up to three subsequent two year terms; no individual may serve more than four terms. Members~~
21 ~~shall serve staggered terms such that no more than four members’ terms shall expire in any year.~~
22 ~~Should any member take office at any time after commencement of a regular term, the expiration~~
23 ~~of that term shall remain unaffected. The City Council may remove a member from office for~~

1 ~~cause by filing a statement of reasons for removal. Members shall be compensated as provided~~
2 ~~by ordinance. The compensation of members and other resources necessary for the OPA Review~~
3 ~~Board shall be appropriated in the budget of the Legislative Department.))~~

4 A. ~~The duties of CPC are shall have the authority and responsibility to:~~

5 1. ~~Review and provide input to OPA, OIG, SPD, and other City departments~~
6 ~~and agencies, including the Mayor, City Council, and City Attorney on the police accountability~~
7 ~~system and SPD policies and practices of significance to the public, consistent with the purposes~~
8 ~~of this Chapter 3.29. Such review may include input on policy and practice changes~~
9 ~~recommended by the OPA Director, the Inspector General, or SPD.~~

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

13 3. ~~Engage in community outreach to obtain the perspectives of community~~
14 ~~members and SPD employees on police community relations, SPD policies and practices, the~~
15 ~~police accountability system, and other matters consistent with the purposes of this Chapter 3.29.~~
16 ~~In conducting public outreach, CPC shall be responsible for maintaining connections with~~
17 ~~representatives of disenfranchised communities and with other community groups in all of the~~
18 ~~City's legislative districts, as well as with SPD demographic and precinct advisory councils.~~
19 ~~CPC shall provide OPA and OIG with community feedback relevant to their operations received~~
20 ~~as a result of its public outreach activities.~~

21 4. ~~Monitor and report on the implementation by City elected officials, SPD,~~
22 ~~and OPA of policy and practice recommendations made by the OPA Director, the Inspector~~
23 ~~General, and CPC, including monitoring, tracking, and reporting on the City's budget, state~~

1 ~~legislative agenda, and collective bargaining agenda as these relate to advocacy for, and~~
2 ~~implementation of, recommendations by the oversight entities.~~

3 ~~5. Review and provide input into SPD recruiting, hiring, and promotional~~
4 ~~practices.~~

5 ~~6. Meet with the OPA Director and the Inspector General, no less than four~~
6 ~~times a year, to review information they wish to provide CPC concerning the effectiveness of~~
7 ~~SPD or any obstacles to the OPA Director's or the Inspector General's abilities to perform their~~
8 ~~duties.~~

9 ~~7. Review reports required by this Chapter 3.29 and any recommendations of~~
10 ~~the OPA Director and the Inspector General.~~

11 ~~8. Serve as 1. Appoint a CPC co-chair and any other CPC Commissioners~~
12 ~~to serve on the search committees for OPA Directors and Inspectors General, identify qualified~~
13 ~~finalists, advise the appointing authority on these appointments, and review and provide input to~~
14 ~~the appointing authority on the reappointment or removal of OPA Directors and Inspectors~~
15 ~~General.~~

16 ~~9. Advise the Mayor, City Attorney, City Council, Chief of Police, OPA~~
17 ~~Director, and Inspector General on issues related to the purposes of this Chapter 3.29, and~~
18 ~~recommend and promote to policymakers changes to policies and practices, collective bargaining~~
19 ~~agreements, City ordinances, and state laws in order to support systemic improvements and other~~
20 ~~enhancements to SPD performance and in furtherance of community trust.~~

21 ~~10. Identify and advocate for reforms to state laws that will enhance public~~
22 ~~trust and confidence in policing and the criminal justice system. Such advocacy may include, but~~
23 ~~is not limited to, reforms related to the referral of certain criminal cases to independent~~

1 ~~prosecutorial authorities, officer de certification, pension benefits for employees who do not~~
2 ~~separate from SPD “in good standing,” and the standards for arbitrators to override termination~~
3 ~~decisions by the Chief of Police.~~

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

9 ~~3. Convene an annual meeting to receive public comments and to formally~~
10 ~~report present to the community on the effectiveness of the police accountability system,~~
11 ~~including providing an update on the implementation status of any previously recommended~~
12 ~~improvements.~~

13 ~~12. Serve as an advisory body to the OPA Director and the Inspector General,~~
14 ~~identifying problems and recommending improvements to police accountability, including ways~~
15 ~~to make the system more accessible and transparent to the public.~~

16 ~~13. Consult with OPA and OIG on the development, revision, and distribution~~
17 ~~of public and employee informational materials and on OPA and OIG websites.~~

18 ~~14 highlights of: Collaborate with SPD, OPA, and the City Attorney’s Office~~
19 ~~in improving system transparency, including improving SPD public disclosure procedures and~~
20 ~~providing for timely online posting by OPA of information about the status of investigations and~~
21 ~~their outcomes.~~

22 ~~15. Pursuant to subsection 3.29.110.A.20, annually review OIG’s workplan~~
23 ~~and identify specific areas for OIG investigation and evaluation, including emergent issues that~~

1 ~~arise that in CPC's judgment are needed to support public confidence in SPD and related~~
2 ~~criminal justice practices; annual report.~~

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

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

14 ~~18. To the extent not otherwise covered above,5. Monitor the implementation~~
15 ~~by SPD, OPA, City elected officials, and other City departments and offices of recommendations~~
16 ~~made by the Inspector General, the OPA Director, and CPC.~~

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

19 7. Pursuant to subsection 3.29.110.A.20, annually review OIG's workplan
20 and recommend to the Inspector General specific areas for OIG investigation and evaluation,
21 including emergent issues that arise that in CPC's judgment are needed to support public
22 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 ~~continue to fulfill the responsibilities of CPC as set forth in the Consent Decree~~
17 ~~and Memorandum of Understanding in *United States of America v. City of Seattle*, 12 Civ. 1282~~
18 ~~(JLR) until such time as the Consent Decree ends. Until such time as the Consent Decree ends,~~
19 ~~the CPC shall prioritize these ongoing responsibilities over any additional responsibilities set~~
20 ~~forth in this Chapter 3.29.~~

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

1 1. Commissioners shall be respected members of Seattle’s many diverse
2 communities. ~~At least two Commissioners shall be graduates of an accredited law school and~~
3 ~~members in good standing of the Washington State Bar Association, with significant experience~~
4 ~~in the fields of public defense and civil liberties law.~~ All Commissioners shall reside or work in
5 Seattle as set forth in this Section 3.29.215 and shall be geographically representative of the City
6 of Seattle in a distribution that allows CPC to assign Council district representatives in
7 accordance with the requirements of SMC 3.29.215.A.2.

8 ~~2. Collectively, Commissioners shall have a deep understanding of~~
9 ~~community interests and needs, all shall have general knowledge of police accountability~~
10 ~~matters, and some shall have extensive subject matter expertise, including in the areas of law~~
11 ~~enforcement oversight, human rights, civil rights and civil liberties, and cultural competency.~~
12 ~~Altogether, there shall be a balance that allows CPC as a whole to benefit from the knowledge~~
13 ~~and expertise of its individual members.~~

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

20 43. Individual Commissioners shall have expertise in law enforcement; police
21 accountability; human resources; community engagement; organizational change; constitutional,
22 criminal, or labor law; social justice; training; or other disciplines important to CPC’s work.
23 Collectively, Commissioners shall have a deep understanding of community interests and needs,

1 all shall have general knowledge of police accountability matters, and some shall have extensive
2 subject matter expertise, including in the areas of law enforcement oversight, human rights, civil
3 rights and civil liberties, and cultural competency. Altogether, there shall be a balance that
4 allows CPC as a whole to benefit from the knowledge and expertise of its individual members.

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

12 5. All Commissioners shall have the following qualifications and
13 characteristics:

14 ~~((1-))~~ a. ((Have a)) A reputation for integrity and professionalism,
15 ~~((as well as the ability to maintain a high standard of integrity in the office))~~ and for
16 effectiveness in a board or commission role;

17 ~~((2-))~~ b. ((Have a)) A commitment to and ((knowledge))
18 understanding of the need for and responsibilities of law enforcement, including enforcement
19 and care-taking, ((as well as)) and the need to protect the basic constitutional rights of all
20 affected parties;

21 ~~((3-))~~ c. ((Have a)) A commitment to the statements of purpose and
22 policies in this ((chapter)) Chapter 3.29;

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

3 ~~((5.))~~ Have the potential for gaining the respect of complainants,
4 departmental personnel, and the citizens of this City;

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

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

15 ~~((8.))~~ g. ~~((Be able to maintain))~~ The ability to exercise sound
16 judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a
17 manner that ~~is perceived by all who have a stake in policing as exercising~~reflects sound
18 judgment, independence, fairness, and objectivity in an environment where controversy is
19 common.

20 ~~((9.))~~ Be a high school graduate or recipient of a general equivalency diploma;

21 ~~10.))~~ Be a United States citizen or lawfully authorized for employment in the
22 United States;

23 ~~11.))~~ Be at least 21 years of age;

1 ~~12. — Not have been convicted of or plead guilty to a felony, crime of violence,~~
2 ~~or offense involving moral turpitude, or any plea thereto; and~~

3 ~~13. — Be able to comply with the appearance of fairness doctrine.~~

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

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

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

16 C. Appointment, removal, and compensation

17 1. CPC shall consist of ~~15~~21 Commissioners, appointed and reappointed as
18 set forth in this Chapter 3.29. The Mayor shall select ~~five~~seven Commissioners, the City Council
19 shall select ~~five~~seven Commissioners, and CPC shall select ~~five~~seven Commissioners, including
20 the public defense representative ~~and~~, the civil liberties law representative, ~~and the SPOG and~~
21 ~~SPMA~~ representatives.

1 ~~2. Commissioners serving on the date the ordinance introduced as Council~~

2 ~~Bill 118907 becomes effective may continue in office, pursuant to the provisions outlined in this~~

3 ~~Section 3.29.215.~~

4 ~~a. No fewer than 30 days prior to the effective date of the ordinance introduced as~~
5 ~~Council Bill 118907, each presently serving and eligible Commissioner of the previously~~
6 ~~existing CPC, created by the Consent Decree and Stipulated Order of Resolution Between the~~
7 ~~United States of America and The City of Seattle and established by Executive Order No. 02-~~
8 ~~2012 and City of Seattle Ordinance 124021, who wishes to serve on CPC as established by this~~
9 ~~Chapter 3.29 shall submit a written statement to the Mayor, the City Council President, and the~~
10 ~~CPC Executive Director indicating that the member wishes to serve on CPC as established by~~
11 ~~this Chapter 3.29. Public defender and civil liberties law representatives shall identify themselves~~
12 ~~as such in their written statements.~~

13 ~~b. No fewer than 15 days prior to the effective date of this Chapter 3.29, the City~~
14 ~~Attorney or a designee of the City Attorney shall, in a publicly noticed and open meeting, draw~~
15 ~~numbers to determine the position number for each Commissioner of the previously existing~~
16 ~~CPC who has indicated they wish to continue to serve. The position numbers to be drawn are 1-~~
17 ~~2, 4, 5, and 7-13. Each Commissioner shall be timely informed of the position number that~~
18 ~~corresponds to that Commissioner.~~

19 ~~c. Commissioners in position numbers 1, 4, 7, 10, and 13 shall be appointed,~~
20 ~~and where applicable, reappointed by the Mayor. 2. Commissioners in position numbers 1, 4, 7,~~

21 ~~10, 13, 16, and 19 shall be appointed, and where applicable, reappointed by the Mayor.~~

22 ~~Commissioners in position numbers 2, 5, 8, 11, 14, 17, and 1420 shall be appointed, and where~~
23 ~~applicable, reappointed by the City Council. Commissioners in position numbers 3, 6, 9, 12, 15,~~

1 18, and 1521 shall be appointed, and where applicable, reappointed by CPC. Position number 3
2 shall be designated for the public defense representative and; position number 6 shall be
3 designated for the civil liberties law representative; position number 15 shall be designated for
4 the SPOG representative; and position number 18 shall be designated for the SPMA
5 representative.

6 d. 3. The first terms for Commissioners in position numbers 1 through
7 5, 16, and 17, shall end on December 31, 2017. The first terms for Commissioners in position
8 numbers 6 through 10, 18, and 19 shall end on December 31, 2018. The first terms for
9 Commissioners in position numbers 11 through 15, 20, and 21 shall end on December 31, 2019.

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

15 ~~e. Continuing Commissioners are eligible to serve one subsequent three-year term~~
16 ~~after the expiration of their existing term as set forth in this Section 3.29.215.~~

17 ~~f. The term of any presently serving Commissioner who chooses not~~
18 ~~to serve on CPC as established by Chapter 3.29 shall terminate on the date this ordinance~~
19 ~~becomes effective.~~

20 3. Continuing Commissioners shall retain the position numbers established
21 by this Section 3.29.215 and each subsequent Commissioner corresponding to such position
22 number shall be appointed and, where applicable, reappointed by the appointing authority
23 designated for that position.

1 4. Each appointing authority shall provide a process that allows individuals
2 to apply and be considered for appointment, and shall ensure appointees meet the qualifications
3 outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC
4 with respect to its composition. Twelve of the 15 Commissioners must live within The City of
5 Seattle and three of the 15 Commissioners may work within but are not required to live within
6 the City. Each appointing authority may appoint one of the three Commissioners who works
7 within but does not reside within the City. Where a Commissioner resides in City of Seattle at
8 the time of appointment but no longer resides in the City during any 60-day period of a term that
9 Commissioner will not be eligible for reappointment at the expiration of the term unless proof of
10 current residency in the City can be established. A change in residency to outside of The City of
11 Seattle will not affect the Commissioner’s ability to serve the remainder of any pending term.
12 The appointing authorities shall consult with one another prior to making their respective
13 appointments and reappointments. All Commissioners appointed or reappointed by each of the
14 appointing authorities shall be confirmed by a majority vote of the full City Council and shall
15 assume office upon receiving City Council confirmation.

16 5. All Commissioners appointed to serve on CPC enacted by this Chapter
17 3.29 shall be eligible to serve three three-year terms for a total of nine years, each term
18 commencing on January 1. All terms shall be staggered so ~~than~~that no more than six
19 Commissioners’ terms expire in any year. If a Commissioner assumes office mid-term due to a
20 prior vacancy, the Commissioner may complete that term and then be reappointed for up to
21 three, three-year subsequent terms.

22 6. 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 approve or disapprove the
2 appointment or reappointment, at least 45 days before the expiration of the present term, so as to
3 avoid undue vacancy. All appointments to fill positions due to resignations without notice shall
4 be made as soon as such can reasonably be done, but no later than 90 days after the effective date
5 of the resignation of the latest incumbent. A Commissioner whose term is ending may continue
6 on an interim basis until a successor has been confirmed by the City Council.

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

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

12 Section 34. Commissioners serving on the date the ordinance introduced as Council Bill
13 118907 becomes effective may continue in office, pursuant to the provisions outlined in this
14 section.

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

1 B. No fewer than 15 days prior to the effective date of this Chapter 3.29, the City
2 Attorney or a designee of the City Attorney shall, in a publicly noticed and open meeting, draw
3 numbers to determine the position number for each Commissioner of the previously existing
4 CPC who has indicated they wish to continue to serve. The position numbers to be drawn are 1–
5 2, 4–5, and 7–13. Each Commissioner shall be timely informed of the position number that
6 corresponds to that Commissioner.

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

12 D. Continuing Commissioners who served on the previously existing CPC in position
13 numbers 1 through 5 may serve terms deemed to end on December 31, 2017; continuing
14 Commissioners in position numbers 6 through 10 may serve terms deemed to end on December
15 31, 2018; and continuing Commissioners in position numbers 11 through 13 may serve terms
16 deemed to end on December 31, 2019.

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

19 F. The term of any presently serving Commissioner who chooses not to serve on CPC as
20 established by Chapter 3.29 shall terminate on the date this ordinance becomes effective.
21 Continuing Commissioners shall retain the position numbers established by Section 3.29.215 and
22 each subsequent Commissioner corresponding to such position number shall be appointed and,
23 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 ~~for improvements~~ to SPD,
11 ~~OPA, or other City departments~~ and ~~OPA policies, practices, systems, training, and the~~
12 ~~accountability system offices for policy and practice improvements~~ have been implemented; and,
13 if they have not, the reasons;

14 3. Any ~~new~~ CPC recommendations for ~~systemic, training, engagement,~~
15 ~~policy, and practice~~ changes in policies and practices, collective bargaining agreements, City
16 ordinances, and state laws; and

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

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

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

3 **3.29.225 Community Police Commission—Meetings**

4 ~~A. Four times a year, and otherwise as reasonably requested and consistent with the~~
5 ~~purposes of this Chapter 3.29, CPC shall meet with the OPA Director and the Inspector General~~
6 ~~to provide and receive information concerning SPD and the police accountability system, and the~~
7 ~~extent to which the purposes and requirements of this Chapter 3.29 are being met.~~

8 ~~B. CPC shall periodically meet with the Mayor, City Attorney, City Council, and~~
9 ~~Chief of Police, to advise on the performance and functions of OPA and SPD, and discuss its~~
10 ~~work under this Chapter 3.29.~~

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

13 Section 37. A new Subchapter IV, which includes new Sections 3.29.300, 3.29.305,
14 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
15 Chapter 3.29 of the Seattle Municipal Code as follows:

16 **Subchapter IV Mechanisms to Support Accountability**

17 **3.29.300 Reporting of potential misconduct and police accountability issues**

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

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

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

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

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

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

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

1 **3.29.305 Continuous improvement**

2 A. Following the issuance of any written ~~report with~~ recommendations to SPD by the
3 OPA Director, the Inspector General, or CPC issued pursuant to this Chapter 3.29, SPD shall
4 ~~meet and~~ confer with and respond in writing to the issuing ~~agency~~entity within 30 days following
5 the release of the recommendations. In the response, SPD shall provide a plan for
6 implementation of accepted recommendations, including for regular timely written reports on
7 progress made in implementing accepted recommendations, and an explanation for those
8 recommendations not accepted or not scheduled for implementation. If the lead entity
9 responsible for the implementation of any recommendation is a City department or ~~agency~~office
10 other than SPD, the Director of the Mayor’s Office of Policy and Innovation or its successor
11 shall coordinate providing the necessary information to SPD to include in the response. The
12 issuing agency shall be responsible for tracking the status of its recommendations accepted and
13 not accepted. The OPA Director and the Inspector General shall report quarterly to CPC on the
14 status of SPD’s response to their recommendations regarding SPD and other City departments
15 and agencies.

16 B. OPA shall meet and confer with the issuing agency following the issuance of any
17 written report with recommendations by the Inspector General or CPC issued pursuant to this
18 Chapter 3.29 and shall respond in writing to the issuing agency within 30 days following the
19 release of recommendations of the Inspector General or CPC, providing a plan for
20 implementation of accepted recommendations, including regular timely written reports on
21 progress made in implementing accepted recommendations, and a rationale or other explanatory
22 information for those recommendations not accepted or scheduled for implementation. The
23 issuing agency shall be responsible for tracking the status of its recommendations accepted and

1 not accepted. The Inspector General shall report quarterly to CPC on the status of OPA’s
2 response to OIG’s recommendations regarding OPA.

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

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

8 ~~E.~~ In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and
9 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the
10 purpose of ensuring SPD policies are consistent with best practices, including recommendations
11 from the civilian oversight entities. SPD’s schedule and protocol shall allow meaningful
12 opportunity for such SPD Policy Manual reviews.

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

17 ~~E. SPD and OIG shall track and report on the efficacy of any performance mentoring~~
18 ~~or early intervention system, which is designed to proactively identify problems and trigger non-~~
19 ~~disciplinary coaching and training interventions in order to improve employee performance.~~

20 ~~F. The City Council shall establish a regular schedule for review of the status of~~
21 ~~implementation by OPA, SPD, and the City of all recommendations made for improving the~~
22 ~~police accountability system.~~

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

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

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

14 J. Each year in June and December the City Attorney’s Office shall provide the
15 OPA Director and Inspector General status reports regarding (1) all OPA cases in which the
16 findings or discipline have been appealed during the previous six months and (2) all OPA cases
17 in which the findings or discipline have been appealed in earlier periods and that remained open
18 at any time during the current reporting period. These status reports shall include all OPA cases
19 not yet closed due to appeal, the case number, the named employee(s), the date of complaint, the
20 date of disciplinary action, the Chief of Police disciplinary decision, the date of appeal, the
21 nature of the appeal, and the current status of the case, including any modification to the case
22 disposition as a result of appeal.

23 **3.29.310 Disciplinary, grievance, and appeals policies and processes**

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

3 1. SPD shall track all records of Chief of Police disciplinary determinations.

4 The OPA Director and the Inspector General shall have unfettered access to this information, and
5 SPD shall report on disciplinary patterns in such a way that the public can assess whether the
6 Chief of Police is exercising disciplinary authority in a fair and consistent manner.

7 2. To help ensure timeliness, there shall be set and enforceable timeframes
8 for any named employee to be notified by SPD of proposed findings and discipline, for any
9 named employee and/or the named employee’s union representative to request a due process
10 hearing, for the Chief of Police to issue a final finding and disciplinary decision, and for any
11 named employee to file an appeal.

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

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

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

21 6. The Disciplinary Review Board is abolished.

22 7. Public Safety Civil Service Commission

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

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

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

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

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

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

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

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

15 **3.29.315 Recruitment, hiring, assignments, promotions, and training**

16 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,
17 assignment, and promotional practices that emphasize leadership and policing skills consistent
18 with accountability, which support equity and the goals set forth in the Consent Decree. ~~SPD~~
19 ~~shall evaluate and report on how effective its processes are in meeting community needs for a~~
20 ~~diverse work force, including the relevance of traditional disqualifying factors and the swiftness~~
21 ~~of decision-making, to assess if there are unfair impediments to hiring and retaining diverse and~~
22 ~~skilled officers.~~

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

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

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

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

21 F. SPD shall adopt consistent standards that underscore the organizational
22 expectations for performance and accountability as part of the application process for all
23 specialty units, in addition to any unique expertise required by these units, such as field training,

1 special weapons and tactics, crime scene investigation, and the sexual assault unit. In order to be
2 considered for these assignments, the employee’s performance appraisal record and OPA history
3 must meet certain standards and SPD policy must allow for removal from that assignment if
4 certain triggering events or ongoing concerns mean the employee is no longer meeting
5 performance or accountability standards.

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

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

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

23 **3.29.320 Public disclosure, data tracking, and record retention**

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

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

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

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

16 E. All SPD personnel and OPA case files shall be retained as long as the employee is
17 employed by the City, plus either six years or as long as any action related to that employee is
18 ongoing, whichever is longer. SPD personnel files shall contain all associated records, including
19 Equal Employment Opportunity complaints, and disciplinary records, litigation records, and
20 decertification records; and OPA complaint files shall contain all associated records, including
21 investigation records, Supervisor Action referrals and outcomes, Rapid Adjudication records,
22 and referrals and outcomes of mediations. Records of written reprimands or other disciplinary
23 actions shall not be removed from employee personnel files.

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

14
15
16 **3.29.325 Criminal cases**

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

20 B. The City Attorney shall maintain a protocol so that, whenever possible, cases
21 referred to prosecutors for possible filing of charges against SPD employees are reviewed
22 concurrently by cityCity, county, and federal prosecutors so as to minimize delay and better
23 serve the public, the named employee, and SPD.

1 **3.29.330 Collective bargaining and labor agreements**

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

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

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

16 **~~3.29.335 Policy initiatives and updates~~**

17 ~~A. SPD administrative investigation units, including the Force Review Board, shall~~
18 ~~maintain a schedule of review that limits the duration of each incident review to 90 days.~~

19 ~~B. A policy setting the requirements for body worn cameras will be developed~~
20 ~~consistent with the Fourth Year Monitoring Plan submitted in the matter of *United States of*~~
21 ~~*America v. City of Seattle*, 12 Civ. 1282 (JLR), and in consultation with the United States of~~
22 ~~America, the Monitor and community stakeholders, and will be submitted to the United States~~
23 ~~District Court for its consideration and approval.~~

1 **3.29.340 Public statements**

2 While any incident of public concern is under any form of OPA, SPD or OIG
3 review, no City employee should comment, either in their official or personal capacity, in a way
4 that suggests that any factual, policy, or legal conclusions have been reached about the incident.
5 These provisions shall not restrict the ability of a union representative to comment in their
6 representative capacity, or the OPA Director to communicate OPA findings and
7 recommendations.

8 **3.29.345 Protection of civilian oversight entities**

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

1 ~~A. No City employee or official shall interfere with the independence or the~~
2 ~~performance of the duties and responsibilities of the OPA Director, OPA staff, the Inspector~~
3 ~~General, OIG staff, CPC Commissioners, the CPC Executive Director, or employees of the~~
4 ~~Office of the CPC. Any City employee or official who violates this provision is subject to~~
5 ~~dismissal, discipline, or censure consistent with applicable law. The lawful invocation of the~~
6 ~~Fifth Amendment right against self-incrimination is not interference.~~

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

9 **Subchapter V Construction and Implementation**

10 **3.29.400 Construction**

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

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

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

19 D. It is the express intent of the City Council that, in the event a subsequent
20 ordinance refers to a position or office that was abolished by the ordinance introduced as Council
21 Bill 118907, that reference shall be deemed to be the new position or office created by the
22 ordinance introduced as Council Bill 118907, and shall not be construed to resurrect the old

1 position or office unless it expressly so provides by reference to the ordinance introduced as
2 Council Bill 118907.

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

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

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

15 H. The provisions of this Chapter 3.29 are declared to be separate and severable. The
16 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter
17 3.29, or the invalidity of its application to any person or circumstance, does not affect the
18 validity of the remainder of this Chapter 3.29, or the validity of its application to other persons or
19 circumstance.

20 **3.29.401 Implementation**

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

1 B. The ordinance introduced as Council Bill 118907 shall take effect and be in force
2 within 30 days of the last of the following taking place: (1) review and approval of the ordinance
3 by the United States District Court for the Western District of Washington presiding over the
4 Consent Decree in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR);
5 (2) passage by the City Council; (3) if applicable, resubmittal to and re-approval by the United
6 States District Court of adopted legislation containing terms previously dis-approved by the
7 Court or new terms not yet reviewed; and (4) ultimate approval by the Mayor. If not approved
8 and returned by the Mayor within ten days after presentation, it shall take effect as provided by
9 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)