

## SUMMARY and FISCAL NOTE\*

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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**a. Legislation Title:** AN ORDINANCE relating to civilian 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; amending or repealing sections in Chapters 3.28, 4.08, and 14.12 of the SMC; and concerning Ordinance 118482.

**b. Summary and background of the Legislation:**

This legislation establishes a comprehensive, independent and sustained approach to civilian and community oversight of the Seattle Police Department (SPD) with three key oversight offices:

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

In order to establish these three key offices and other critical elements of an improved civilian and community oversight system for SPD, this legislation repeals and amends the existing portion of the Seattle Municipal Code (SMC) pertaining to OPA and the CPC and adds a new Chapter 3.29 to the SMC incorporating responsibilities and other provisions related to OPA, OIG, CPC, SPD, and other aspects of the police accountability system.

### **2. CAPITAL IMPROVEMENT PROGRAM**

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

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**a. Does this legislation amend the Adopted Budget?** \_\_\_ Yes \_\_\_ **X** No

The legislation does not amend the 2017 Adopted Budget.

**b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

The legislation has both short-term and long-term financial impacts to the City. The amount of funding and positions needed to fully implement the provisions of CB 118969 above any existing funding levels for entities are not yet known; some duties laid out in CB 118969 with identified financial implications are listed generally below. As a starting point, a separate Council Bill 118908 amends the 2017 Adopted Budget, moving funds from Finance General Reserves to a new OIG BCL and creating four OIG positions. The provisions of CB 118969 require federal court review and may be affected by collective bargaining.

- Office of Police Accountability:
  - Council Bill 118969 provides that all OPA investigative supervisors will be civilian within 18 months of the ordinance going into effect. There will be a cost to adding two (2.0 FTE) civilian supervisors to OPA. As the timing of this change and the classification of the positions is currently unknown, appropriations and position authority for the positions will be reviewed by Council in future legislation. The cost of replacing these two sworn positions with civilians is estimated by the City Budget Office to be in the range of \$300,000-\$350,000 (in 2017 dollars).
  - Council Bill 118969 provides that intake and investigator personnel shall be either entirely civilian or a mix of civilian and sworn within 12 months of the ordinance going into effect. There will be a cost to adding civilian investigators to OPA. The classification of the position(s) and the number of positions to be civilianized are currently unknown; appropriation and position authority for the position(s) will be reviewed by Council in future legislation. The mid-range cost for each current (sworn) investigator is approximately \$140,000 annually (in 2017 dollars).
  - The use of complaint navigators is required.
- Seattle Department of Human Resources and Office of Inspector General:
  - Background checks from an outside law enforcement agency are required for various positions, including OPA Director, Inspector General, and certain staff with access to confidential information. The cost and timing of this backgrounding process is currently unknown.
- Office of Inspector General:
  - The legislation establishes the OIG with a wide range of authority including reviewing OPA and SPD handling of all misconduct allegations, directing additional OPA investigations, and certifying the completion of OPA investigations, reviewing SPD handling of serious incidents and SPD administrative investigations, responding to incident scenes and attending administrative investigation unit interviews and meetings, performing police intelligence auditor functions, conducting audits and reviews of any and all police operations, and researching practices in other jurisdictions. OIG assumes the responsibilities of the current OPA Auditor.
- Community Police Commission:
  - The legislation authorizes CPC to review and provide input on the

accountability system, police services, and SPD policies and practices, including input on policy and practice recommendations issued by SPD and the other oversight bodies; monitor and track the implementation of recommended improvements; evaluate the overall accountability system; provide feedback and technical advice to OPA and OIG on community-related matters; maintain connections with community groups and conduct community outreach to help inform CPC's positions; and collaborate with OPA, OIG, and SPD on a wide range of matters.

- Seattle Police Department:
  - The legislation provides that SPD will establish an internal office, staffed by civilians to manage the secondary employment of its employees.
  - The legislation provides that SPD shall establish and maintain searchable public databases of stops, frisks, use of force, and disciplinary matters and including demographic and other information about the encounters.
  - SPD in-service training will include training on the accountability system.
  - SPD also has reporting requirements to respond to recommendations for improvement.

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

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

Both the U.S. District Court Judge Robart and the Court-appointed federal Monitor have expressed support for a comprehensive civilian oversight system. Failure to adopt the legislation may create challenges for reaching compliance with the Settlement Agreement.

There are financial and other impacts of not implementing this legislation. This legislation establishes structures, responsibilities, and authorities that are intended to improve SPD performance in support of the goals of the Consent Decree and the expectations of the public. Council Bill 118969 is intended to provide ongoing system improvements and long-term savings, such as reduced costs associated with a decrease in cases involving misconduct, settlements, and inefficiencies (for example, inappropriate use of overtime).

## **4. OTHER IMPLICATIONS**

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

The legislation impacts the entities established by the legislation (Office of Police Accountability, Office the Inspector General for Public Safety, Community Police Commission) as well as the Seattle Police Department, Seattle Department of Human Resources, City Attorney's Office, and other City departments intersecting the police accountability system.

**b. Is a public hearing required for this legislation?**

No public hearing is required for this legislation.

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

No property is involved with this legislation.

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

No publication of notice is required for this legislation.

**e. Does this legislation affect a piece of property?**

This legislation does not impact any property.

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

On July 27, 2012, the U.S. Department of Justice and the City of Seattle entered into a Consent Decree related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States. The U.S. Department of Justice investigation of SPD was requested by representatives of and advocates for marginalized communities who experienced and/or were concerned about unconstitutional SPD practices. This legislation puts measures in effect to maintain and build on reforms instituted under the Consent Decree, which are directly related to Race and Social Justice Initiative principles.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

- Office of Police Accountability: The goal of OPA is to help ensure the actions of SPD employees are constitutional; improve SPD compliance with federal, state, local laws, and with City and SPD policies; and to promote respectful and effective policing. The legislation outlines OPA reporting requirements, including OPA investigations and an annual report.
- Office of the Inspector General: OIG shall provide an independent perspective on the efficacy of the policies, procedures, and practices of SPD, OPA, and related City departments and agencies. OIG shall also provide additional professional review of OPA investigations. The legislation outlines OIG reporting, including OIG audits and studies, and an annual report.
- Community Police Commission: The CPC will provide the public with

meaningful participatory oversight of SPD policies and practices affecting public trust with the goal that police services are delivered in a lawful and nondiscriminatory manner and are in alignment with the values and expectations of the community. Reporting requirements for CPC are outlined in the legislation and include an annual report.

**h. Other Issues:**

**List attachments/exhibits below:**