



Legislation Details (With Text)

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On agenda: 7/18/2023
Final Action: 7/20/2023 **Ord. No.** Ord 126860

Title: AN ORDINANCE relating to civilian and community oversight of the police; clarifying the role, governance and operating procedures of the Community Police Commission, reducing its size and geographic appointment requirements, giving it authority to remove members and Executive Director for cause, and amending its stipend provisions; establishing qualifications and procedures for the Commission’s Executive Director and creating a Deputy Director; referring to the Commission’s role in collective bargaining hearings; amending Sections 3.29.010, 3.29.320, 3.29.330, 3.29.340, 3.29.350, 3.29.360, 3.29.400, and 4.04.120 of the Seattle Municipal Code; and repealing Ordinance 124543.

Sponsors: Lisa Herbold

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Signed Ordinance 126860, 4. Affidavit of Publication

Date	Ver.	Action By	Action	Result
7/20/2023	1	City Clerk	attested by City Clerk	
7/20/2023	1	Mayor	returned	
7/20/2023	1	Mayor	Signed	
7/20/2023	1	City Clerk	submitted for Mayor's signature	
7/18/2023	1	City Council	passed	Pass
7/11/2023	1	Public Safety and Human Services Committee	pass	Pass
7/5/2023	1	City Council	referred	
6/29/2023	1	Council President's Office	sent for review	
6/28/2023	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to civilian and community oversight of the police; clarifying the role, governance and operating procedures of the Community Police Commission, reducing its size and geographic appointment requirements, giving it authority to remove members and Executive Director for cause, and amending its stipend provisions; establishing qualifications and procedures for the Commission’s Executive Director and creating a Deputy Director; referring to the Commission’s role in collective bargaining hearings; amending Sections 3.29.010, 3.29.320, 3.29.330, 3.29.340, 3.29.350, 3.29.360, 3.29.400, and 4.04.120 of the Seattle Municipal Code; and repealing Ordinance 124543.

WHEREAS, the Community Police Commission (CPC) was created by federal consent decree in 2012 and charged with a significant oversight function that is intended to serve as a community voice for the entire City; and

WHEREAS, the CPC should include diverse voices that best represent Seattleites, and allows them to share responsibility for their governance, and such representation may not be realized if Commissioners must be appointed by District; and

WHEREAS, organizational performance is dependent on effective leadership and the CPC must ensure that it has in its Executive Director a proven leader with a background in development, community engagement, criminal legal system and police reform issues; and

WHEREAS, the CPC has entrusted its Co-Chairs with providing strategic direction and guidance to its Executive Director, who will perform best under the singular direction, authority and supervision of the CPC Co-Chairs; and

WHEREAS, the number of CPC Commissioners has increased from 15 members as authorized in 2012 in Ordinance 124021 to 21 Commissioners as authorized in 2017 in the Accountability Ordinance (Ordinance 125315), and in the years since, the increased size has not resulted in better representation of community viewpoints or increased ability to meet the obligations of the Accountability Ordinance. Rather, the increased size has led to increased challenges in providing effective oversight; and

WHEREAS, the CPC has in 2023 undergone a comprehensive and transparent process to strengthen its organizational structure, to ensure uninterrupted operation of the CPC, improve accountability of Commissioners to the Co-Chairs, Mayor and Council; and

WHEREAS, the CPC on May 17, 2023 adopted amendments to its bylaws to reflect changes that will allow it to better fulfill its obligations under its authorizing legislation and the Accountability Ordinance, Ordinance 125315;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.29.010 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.010 Purpose - Enhancing and sustaining effective police oversight

* * *

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

* * *

Section 2. Section 3.29.320 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.320 Office of the Community Police Commission - Executive Director

A. ~~((The term of the current CPC Executive Director (Executive Director) appointed pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current Executive Director may be~~

~~reappointed to subsequent terms consistent with the requirements of this Chapter 3.29.))~~ There shall be a CPC Executive Director responsible for carrying out the duties set forth in this Subchapter III. There shall be a CPC Deputy Director with powers and duties as the CPC Executive Director may delegate.

B. Executive Director - Qualifications

1. The CPC Executive Director shall be a civilian with a background in development, community engagement, criminal legal system and police reform issues. The CPC Executive Director shall demonstrate the ability to lead and manage staff to fulfill CPC's purpose and recommend policies and practices to support constitutional policing, ongoing system effectiveness, and community responsiveness. The CPC Executive Director shall not have been formerly employed by SPD. The CPC Executive Director should also have the following additional qualifications and characteristics:

- a. A reputation for integrity and professionalism, and the ability to maintain a high standard of integrity and professionalism;
- b. A commitment to the need for and responsibilities of law enforcement, community caretaking, and the need to protect the constitutional rights of all people;
- c. A commitment to the statements of purpose and policies in this Chapter 3.29;
- d. A history of effective leadership;
- e. The ability to relate, communicate, and engage effectively with all who have a stake in policing, including but not limited to, the general public, complainants, disenfranchised communities, SPD employees, and relevant City and other officials including the Mayor, Council, City Attorney, Inspector General, and OPA Director;
- f. An understanding of the City's ethnic and socioeconomic diversity and proven experience working with and valuing the perspectives of diverse groups and individuals; and
- g. The ability to carry out the duties of the CPC Executive Director in a manner that reflects sound judgment, independence, fairness, and objectivity in an environment where controversy and

conflict is common.

~~((B-))~~ C. Executive Director - Appointment

1. There shall be an Executive Director, appointed by CPC using merit-based criteria. The position of Executive Director shall be exempt from the classified civil service. ~~((The Executive Director shall not have been formerly employed by SPD.))~~ The term of the Executive Director position is six years.

2. Each Executive Director's initial appointment is subject to confirmation by the Council. The reappointment of an Executive Director to successive terms by CPC is not subject to Council confirmation. If an individual who previously served as Executive Director is again appointed after a different individual was confirmed as the Executive Director by the Council that new appointment is subject to Council confirmation as an initial appointment.

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

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

5. In the event of a vacancy, CPC shall designate an interim Executive Director within ten days of the first day of the vacancy.

~~((C-))~~ D. The CPC Co-Chairs may remove the Executive Director only for cause ~~((upon a majority vote of its membership.))~~ after consultation with the Seattle Department of Human Resources, and with the CPC

during an executive session of a CPC meeting. If the Executive Director objects to removal, the Executive Director may request the opportunity to be heard before the CPC during a subsequent executive session. After the executive session in which the Executive Director objects to removal, any commissioner may request a vote during open session to retain the Executive Director; a majority vote of the currently appointed commissioners is required to retain the Executive Director.

~~((D.))~~ E. The Executive Director, in consultation with and under supervision of the Co-Chairs, shall have the authority and responsibility to:

1. Oversee and manage the functions of the Office of the CPC to advance the mission of the Office and perform other duties as the CPC may prescribe;
2. Hire, supervise, and discharge employees of the Office of the CPC. Employees of the Office of the CPC shall collectively have the requisite credentials, skills, and abilities to fulfill the duties and obligations of the CPC set forth in this Chapter 3.29. No employee of the Office of the CPC shall have been formerly employed by SPD as a commissioned officer;
3. Manage the preparation of CPC's proposed budget, authorize necessary expenditures, and enter into contracts for professional and other services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;
4. Execute, administer, modify, and enforce such agreements and instruments as the Executive Director shall deem necessary to implement programs and carry out the responsibilities, functions, and activities of the Office; apply for grants and donations for Commission programs; and solicit and use volunteer services;
5. Represent, together with Commissioners, CPC in providing testimony and expertise to City departments and offices, commissions, and other organizations ~~((pertaining to))~~ about issues of constitutional policing; and

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

Section 3. Section 3.29.330 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.330 Community Police Commission - Independence

A. CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities.

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

~~€.))~~ B. The City shall provide staff and resources that it deems sufficient to enable CPC to perform all of its responsibilities specified in this Chapter 3.29. The CPC Executive Director shall submit an annual budget request to the Mayor. The Office of the CPC budget shall be appropriated in a Budget Control Level that is independent of any other City department. CPC Commissioners and the CPC Executive Director may advocate for resources directly to Councilmembers or the Council during the budget process and throughout the year.

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

Section 4. Section 3.29.340 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.340 Community Police Commission - Qualifications

A. Commissioners shall be respected members of Seattle's many diverse communities. All Commissioners shall reside or work in Seattle at the time of appointment or reappointment ~~((and shall be geographically representative of the city of Seattle in a distribution that allows CPC to assign Council district representatives in accordance with the requirements of subsection 3.29.360.B)).~~

* * *

Section 5. Section 3.29.350 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.350 Community Police Commission - Appointment, removal, and compensation

A. CPC shall consist of ~~((24))~~ 15 Commissioners, appointed and reappointed as set forth in this Chapter 3.29. The Mayor shall select ~~((seven))~~ five Commissioners, including the SPMA representative, the Council shall select ~~((seven))~~ five Commissioners, and CPC shall select ~~((seven))~~ five Commissioners, including the public defense representative, the civil liberties law representative, and the SPOG ~~((and SPMA representatives))~~ representative.

B. Each appointing authority shall provide a process that allows individuals to apply and be considered for appointment, and shall ensure appointees meet the qualifications outlined in Section 3.29.340 ~~((and ensure the collective membership of CPC meets the requirements of subsection 3.29.360.B))~~. The appointing authorities shall consult with one another prior to making their respective appointments and reappointments. All Commissioners appointed or reappointed by the Mayor or CPC shall be confirmed by a majority vote of the full Council and shall assume office upon receiving Council confirmation; Commissioners appointed or reappointed by the Council shall assume office upon appointment or reappointment.

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

~~D.))~~ All CPC Commissioners shall be eligible to serve a maximum of three three-year terms, with each

term commencing on January 1, except for the first term under this Section 3.29.350 which will begin at the time of their confirmation following enactment of ~~((Council Bill 118969))~~ Ordinance 125315. All terms shall be staggered so that no more than ~~((seven))~~ five Commissioners' terms expire in any given year. If a Commissioner assumes office prior to the expiration of the term of the Commissioner's predecessor, the Commissioner may complete that term and then be reappointed for up to three three-year subsequent terms.

~~((E.))~~ D. Each appointment and reappointment shall be made whenever possible sufficiently prior to the expiration of the incumbent's term of office or the effective date of an incumbent's resignation, to permit Council action to approve or disapprove the appointment or reappointment, at least 45 days before the vacancy, so as to avoid undue vacancy. All appointments to fill positions due to resignations without notice shall be made as soon as reasonably possible, but should be made no later than 90 days after the effective date of the resignation of the incumbent. A Commissioner whose term is ending may continue on an interim basis until a successor has been confirmed by the Council.

~~((F.))~~ E. To strengthen the independence of CPC, Commissioners may be removed from office by their appointing authority only for cause. By a ~~((three-quarters))~~ two-thirds vote of its membership, CPC may ~~((approve removal of Commissioners appointed by CPC))~~ remove a CPC-appointed Commissioner for cause or recommend removal of a Mayor- or Council-appointed Commissioner for cause. For a Mayor-appointed Commissioner whose removal is recommended by CPC, the Mayor must agree in writing with the recommendation for removal before the City Council may vote to confirm the removal. ~~((A))~~ For a Mayor- or Council-appointed Commissioner, majority vote of the ~~((full))~~ City Council is required to confirm the removal ~~((of any Commissioner))~~.

~~((G. Commissioners shall be compensated, if at all, as provided by ordinance.))~~ F. In 2023, a non-Co-Chair Commissioner fully performing the duties of a Commissioner may request a stipend of \$550 per month. Beginning in 2024, a Co-Chair fully performing the duties of a Co-Chair and the duties of a Commissioner may request a stipend of \$1,200 per month, and any other Commissioner may request a stipend of \$700 per month.

The purpose of the stipend is to compensate for the financial burden of performing the duties of a Commissioner. Any request shall be made to the Executive Director. Any stipend shall be provided only for months of service occurring after the month in which the request is granted.

Section 6. This section transitions the Community Police Commission from 21 members to 15.

A. As of the effective date of this ordinance, all vacant positions are eliminated.

B. As amended by this ordinance, Seattle Municipal Code subsection 3.29.350.A creates a Commission with four members who have specialized qualifications under Seattle Municipal Code subsection 3.29.340.D and 11 general members. If a position becomes vacant because a member is not reappointed, and filling it would cause the Commission to have more than 11 general members, instead that position is eliminated.

C. Appointment packets do not need to use position numbers except as necessary to specify whether the appointment is to replace a member whose term has ended.

D. Once the Commission is reduced to no more than 11 general members:

1. If an appointing authority is responsible for appointing more than five Commissioners overall and another appointing authority is responsible for appointing fewer than five, the next general member position appointment or reappointment under the former's responsibility will transfer to the latter's responsibility. This process shall be repeated as necessary until each appointing authority has five active members, pursuant to Seattle Municipal Code subsection 3.29.350.A as amended by this ordinance.

2. Appointing authorities may create short or long terms as necessary until terms are staggered pursuant to Seattle Municipal Code subsection 3.29.350.C as amended by this ordinance.

Section 7. Section 3.29.360 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.360 Community Police Commission - Authority and responsibility

CPC shall have the following authority and ~~((responsibility to))~~ responsibilities:

* * *

B. ~~((Assign at least one Commissioner to represent each Council district.))~~ Each Commissioner ~~((representing a Council district))~~ shall: ~~((live, work, or))~~ have significant professional or civic ties in ~~((that district))~~ Seattle; demonstrate a deep understanding of neighborhood-level issues; actively engage ~~((the people within the Council district))~~ with the community on a regular basis; and regularly report back to CPC on community ~~((issues on))~~ and law enforcement ~~((in the Council district))~~ issues in Seattle.

* * *

Section 8. Section 3.29.400 of the Seattle Municipal Code, enacted by Ordinance 125315, is amended as follows:

3.29.400 Reporting of potential misconduct and police accountability issues

* * *

B. The Inspector General and CPC ~~((Co-Chairs))~~ Executive Director, or their designees, shall present a mid-year report to the City Council's public safety committee on the status of recommendations issued by OPA, OIG, and CPC, including those which involve the City's budget, state legislative agenda, and collective bargaining agenda. The report shall include whether follow-through was timely and effectively addressed needed improvements. The Chief and OPA Director, or their designees, shall participate in the presentation, as well as a Mayor's Office representative as appropriate.

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Section 9. Section 4.04.120 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

4.04.120 Collective bargaining

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F. The City Council and the ~~((Office of Professional Accountability Review Board (OPARB)))~~ Community Police Commission should jointly host a public hearing. The public hearing will be a joint meeting of the Council's Labor Policy and Public Safety~~((s))~~ and Human Services ~~((and Education))~~ committees or the

successor Council committees with oversight of the City's labor policy and the City's public safety departments. The public hearing will be on the effectiveness of the City's police accountability system and should be held at least 90 days before the City begins collective bargaining agreement negotiations with the Seattle Police Officer's Guild (SPOG) or the Seattle Police Management Association (SPMA) or any successor labor organization. The City's Director of Labor Relations shall inform the Labor Policy Committee and Public Safety, Human Services and Education Committee at least 180 days before negotiations begin of the projected date for the start of the negotiations to enable the Council to timely schedule the hearing.

Section 10. Ordinance 124543, relating to Community Police Commission stipends, is repealed.

Section 11. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)