



City of Seattle

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FROM: The City of Seattle

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SUBJECT: Accountability and Civilian Oversight Recommendations

Throughout 2014, the Community Police Commission (“CPC”) and the Office of Police Accountability (“OPA”) Auditor engaged with the City to create recommendations to improve and strengthen civilian oversight of the Seattle Police Department. The goal of those efforts was to provide for more comprehensive and independent civilian oversight of the Seattle Police Department with the necessary authority for that oversight to be as effective as possible and sustained over time, including after the conclusion of the Settlement Agreement process.

The following recommendations arise in the context of the July 27, 2012 Memorandum of Understanding between the United States and the City (the “MOU”). The MOU provides that the CPC “may issue its own reports or recommendations to the City on the implementation of the Settlement Agreement.” MOU at ¶ 5. The MOU also provides that the CPC will review the structure of OPA:

The Commission [CPC] will review Seattle’s current three-prong civilian oversight structure to determine if there are changes it would recommend for improving SPD accountability and transparency. Through the DOJ found that the overall system is sound, the Commission may consider alternative civilian oversight models and whether clarifications or changes in roles and responsibility for the OPA Director, the OPA Auditor, and/or the OPA Review Board would improve the confidence of the community and officers in the system. The Commission may consider the following:

- a. The Role of the OPA Director: the lynchpin of the City’s OPA system is an independent civilian director housed in the Seattle Police Department who independently reviews and oversees investigations [of] police misconduct complaints. The Commission may consider whether the proper balance has been struck between civilian influence within the SPD and the director’s oversight function.
- b. The Role of the OPA Auditor: The OPA Auditor performs a significant oversight function that further enhances civilian review of allegations of police misconduct. The Commission may consider whether the role of the Auditor should be clarified and whether additional responsibilities should be assigned to the Auditor.

- c. The Role of the OPA review Board: The Board provides an additional layer of oversight over police conduct. The Commission may consider whether the Board's function should change in order to enhance its role in the civilian oversight system.

MOU at ¶ 15.

These MOU provisions provide the basis for the City's engagement with the CPC and the OPA Auditor in the collaborative process that resulted in the recommendations for reform set forth below.

These recommendations are not intended to stand as final reforms of systems to ensure police accountability. Rather, they are recommendations agreed upon through collaborative process between SPD, the CPC, and the Mayor's Office that are submitted to the DOJ and the Monitor to review for consistency with the letter and spirit of the Settlement Agreement, the Monitoring Plan, and the work done pursuant to that Agreement to date. Following your review, the City hopes to move forward expeditiously with these recommendations.

Notably, the City and the Seattle Police Officers' Guild are currently engaged in negotiations for a collective bargaining agreement. Those negotiations are a fully supported and honored by the City and Community Police Commission alike. No recommendation requiring bargaining prior to implementation will be implemented without discharging the City's bargaining obligations to its employees and their labor representatives under RCW Ch. 41.56.

The following recommendations are proposed to improve and strengthen the civilian oversight of the Seattle Police Department:

CIVILIAN OVERSIGHT OF POLICE

Purpose - Enhancing and sustaining effective civilian oversight

Because the police are granted extraordinary power, including the use of force and the authority to constrain personal liberty, and civilian oversight of police is critically important to enhancing the trust, respect, and confidence of the community, it is the City's intent to ensure by law rather than solely by policy or directive a comprehensive, independent, and sustained approach to civilian oversight of the Seattle Police Department. It is the purpose of this Chapter 3.29 to provide the authority necessary for that oversight to be as effective as possible.

Office of Police Accountability established - Purpose and authority

- A. There is established as a separate and independent office of the City an Office of Police Accountability (OPA) to provide oversight, guidance, and leadership in matters related to police accountability for the Seattle Police Department (SPD) to strive to ensure that the actions of SPD employees are Constitutional; comply with federal, state, and local laws, and City and SPD policies; and are respectful, effective, and conducive to the public good. The work of the OPA is intended to instill confidence and public trust in the fairness and integrity of the police accountability system and in the effectiveness and professionalism of SPD.
- B. OPA shall be organizationally housed in SPD, but must be as operationally independent of SPD as possible in all respects to enhance public trust and confidence in OPA's independence and impartiality. The reason OPA will be an office within SPD is to increase and strengthen OPA's capacity by providing it access to SPD resources, including unfettered and immediate access to all relevant SPD data systems, personnel, and evidentiary

information necessary for thorough investigations, and to benefit from the insights of sworn personnel in the investigative process.

- C. The OPA Director shall be a civilian and together with the Independent Police Accountability Auditor and the Community Police Commission (CPC), provide civilian oversight of police conduct and practices.
- D. OPA shall establish and manage processes to receive and investigate allegations of police misconduct that are fair, impartial, consistent, thorough, timely, understandable, transparent and accessible for the public, employees and complainants.
- E. OPA shall receive and have the authority to initiate complaints of misconduct or policy violations against SPD employees, and resolve those complaints through investigation, mediation, Supervisor Action, and/or other problem-solving alternatives that provide effective solutions and help reduce future misconduct or policy violations.
- F. OPA shall have the authority to audit and review all administrative investigation processes at SPD.
- G. OPA shall audit administrative investigations of lower level policy violations conducted, in accordance with SPD policy, by supervisors, to assess their completeness, fairness, consistency, and appropriateness. OPA has the discretion to investigate any specific policy violation it chooses, regardless of the seriousness. The goal is that all policy violations are appropriately addressed, and that OPA focuses its investigative resources on less routine allegations or cases that require a higher level of expertise, but that OPA have general oversight of all accountability systems at SPD.
- H. OPA shall identify and make recommendations to correct systemic problems in SPD policies, training, supervision, and management, identified in the course of OPA's investigation of possible misconduct or policy violations, or other obligations under this Chapter 3.29, to help improve SPD standards and enhance employee conduct.
- I. OPA shall work with SPD to make disciplinary processes be as fair, objective, certain, timely, and effective as possible, and shall report out to the public on any concerns with regard to discipline or disciplinary processes.
- J. OPA shall support the appropriate role of SPD line supervisors in the accountability system, including their responsibilities to mentor employees and to investigate, document, and address low-level minor policy violations, performance, and customer service concerns at the precinct or unit level.
- K. OPA shall work with SPD and the City Attorney's Office to help reduce or prevent misconduct through identification of trends or patterns arising through complaints, investigations, and lawsuits, and, without waiving any attorney-client privilege, shall report to the public recommendations made by OPA to City officials based on those patterns or trends.
- L. OPA shall work with SPD and the City Attorney's Office to release information associated with police misconduct or policy violation cases as quickly and with as much transparency as legally and practically possible.

- M. OPA shall collaborate with SPD in the development and delivery of SPD in-service training related to the accountability system.

Office of Police Accountability – Access and independence

- A. The OPA Director and OPA staff shall exercise their discretionary and investigatory responsibilities without interference from any person, group, or organization, including the Chief of Police, other SPD employees, or other City officials.
- B. The OPA Director shall have authority for hiring and supervision of all civilian staff and for the supervision of all sworn staff. The OPA Director shall approve the initial assignment of any sworn staff to OPA. All OPA staff shall have requisite skills and abilities conducive to the operational effectiveness of OPA. Except in unusual circumstances, rotation of sworn staff into and out of OPA shall be managed in a way that maintains continuity and expertise, and supports the mission of OPA.
- C. Only the OPA Director shall comment publicly on OPA cases under investigation. This does not preclude the Chief of Police from acknowledging a case has been referred to OPA.
- D. A budget with sufficient staffing and resources for effective OPA operations shall be submitted to the City Council annually by the OPA Director separate and distinct from the SPD budget.
- E. Because OPA is housed organizationally within SPD, and in order to enhance public trust in its objectivity, OPA’s physical location and communications shall reflect its independence, the impartiality of its investigators, and promote public access and transparency.

Office of Police Accountability—Director

- A. The duties of the OPA Director are to:
 - 1. Manage all functions and responsibilities of OPA.
 - 2. Prepare and maintain the OPA Internal Operations and Training Manual that details OPA policies and procedures, and review OPA processes for compliance with the Manual.
 - 3. Review the effectiveness, accessibility, transparency, and responsiveness of the complaint system.
 - 4. Review and manage the complaint process with the goal that all complaints of police misconduct or policy violations be initiated or referred, classified, and resolved or investigated appropriately.
 - 5. Establish a protocol for investigation of allegations against OPA staff.
 - 6. Make written recommendations to the Chief of Police with regard to findings and discipline upon completion of investigations, and, where requested, advise the Chief and City Attorney with regard to the re-consideration of recommended findings and discipline, and of disciplinary appeals.

7. In sustained cases where hearing from the complainant would help the Chief of Police better understand the significance of the concern or weigh issues of credibility, recommend that the Chief meet with the complainant prior to the Chief making a final disciplinary decision.
8. Manage the OPA investigative process with the goal of employing best practices for administrative investigations and review investigations for compliance with the OPA Internal Operations and Training Manual and the purposes of this Chapter 3.29. Direct OPA investigative processes; classify complaints with input from the Independent Police Accountability Auditor; address any additional investigative work requested or directed by the Independent Police Accountability Auditor; certify in writing the completion and recommended findings, including possible discipline, of all OPA investigations and convey these recommendations to the Chief of Police; participate in meetings related to recommended findings and discipline and in due process hearings; and testify as needed in disciplinary appeals.
9. Provide any investigations required by the Independent Police Accountability Auditor for review and certification as soon as possible after the investigator submits them, to afford sufficient time to conduct additional investigation if requested by the Independent Police Accountability Auditor, or to consider new material facts raised by the named employee during the due process hearing. Any further investigation shall be re-submitted to the Independent Police Accountability Auditor for review in a timely manner, so as not to unnecessarily delay the completion and certification of the investigation.
10. When necessary, issue a subpoena at any stage in an investigation if evidence or testimony material to the investigation is not provided to OPA voluntarily, in order to compel non-SPD witnesses to produce such evidence or testimony. If the subpoenaed individual or entity does not respond to the request in a timely manner, the OPA Director may ask for the assistance of the City Attorney to pursue enforcement of the subpoena through a court order.
11. In accordance with the provisions of this Chapter 3.29, report on the timeliness and effectiveness in resolving all OPA complaints, including those investigated by OPA, those referred by OPA for Supervisor Action, those handled directly by frontline supervisors, and those mediated, as well as those addressed by other means.
12. Report on the implementation of, or response to, OPA recommendations for Management Actions and on Training Referrals providing information on whether follow-through was timely and substantive.
13. Manage OPA with the goal that OPA maintains frequent and regular communications with complainants and named employees about the status of their investigation, including information to complainants about disciplinary appeal and grievance processes and the outcome of such challenges to final findings and discipline determinations.
14. Oversee, strengthen, and report on the effectiveness of mediation programs and other alternative resolution processes.

15. Manage OPA with the goal that investigators and investigative supervisors receive orientation and training about the accountability system and training in administrative investigation best practices, including the importance of being respectful to all; interacting and communicating with complainants, witnesses, and employees in equivalent ways; exercising independence and objectivity; and having expertise on tactics, equipment, procedures, and relevant policy and law.
16. Provide materials and information for the public about OPA processes, how to access the accountability system, the possibility and results of disciplinary appeals; maintain a robust website that is easy to navigate; and collaborate with the CPC to provide materials and information that are readily understandable and widely available to Seattle's diverse residents.
17. Facilitate access to the accountability system, including the use of community-based organizations to provide additional channels for filing complaints and support understanding of the system and how to access it.
18. Consistent with obligations to maintain confidentiality, brief the CPC on issues of significant public interest related to police accountability and professional conduct.
19. Provide recommendations related to the purposes of this Chapter 3.29 to the Mayor, City Attorney, City Council, Chief of Police, and the CPC for improving SPD policies and practices.
20. Provide technical expertise to the CPC.
21. Report regularly to the CPC on the implementation status of the OPA Director's recommendations, as well as of the Independent Police Accountability Auditor's recommendations related to OPA.
22. Make recommendations to policymakers with regard to needed improvements to collective bargaining agreements, City ordinances, and state laws in order to best meet the purposes of this Chapter 3.29 and public expectations.
23. Collaborate with the Chief of Police and other SPD leadership to strengthen the involvement of supervisory personnel in the accountability system so as to build a culture of accountability throughout SPD.
24. Collaborate with the Chief of Police to support OPA's operational independence while striving to see that both OPA and SPD maintain effective operations.

B. Qualifications.

The OPA Director shall be a civilian with significant legal, investigative, human resources, law enforcement oversight, or prosecutorial experience and shall have the following additional qualifications and characteristics:

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

2. A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect the basic constitutional rights of all affected parties;
3. A commitment to the statements of purpose and policies in this Chapter 3.29;
4. A history of leadership experience;
5. The ability to gain the respect of complainants, SPD employees, and the public;
6. The ability to work effectively with the Mayor, City Council, City Attorney, Chief of Police, Independent Police Accountability Auditor, SPD employees, the CPC, other public agencies, private organizations, and the public;
7. The ability to work with diverse groups and individuals; and
8. The ability to maintain independence, fairness, and objectivity, and to advocate where appropriate in an environment where controversy is common.

C. Appointment, removal, and compensation.

1. The OPA Director shall be appointed and reappointed by the Mayor, in consultation with the CPC during the search and selection process, and subject to confirmation by the City Council. To strengthen the independence of the OPA Director, the Mayor may remove the OPA Director from office only for cause with sufficient notice to, and the concurrence of, the City Council, following input from the CPC.
2. The OPA Director may be appointed for up to three, three-year terms for a total of nine years. Succeeding terms that are not reappointments of the same individual shall commence for three years upon appointment of a new OPA Director, regardless of the length of term served by the preceding OPA Director. Reappointments shall commence for three additional years from the date that individual's previous term expires if the incumbent is reappointed within 90 days before or after the expiration of the previous term; otherwise the successive term shall commence upon reappointment. Each appointment shall be made whenever possible prior to the termination or expiration of the latest incumbent's term of office so as to have a seamless transition without a gap in oversight. If an incumbent is reappointed, the City Council should act to approve or disapprove the reappointment at least 45 days before the expiration of the present term.
3. The OPA Director shall be paid at a salary consistent with the level of responsibility established in this Section 3.29.020.
4. The Seattle Department of Human Resources shall obtain from an outside law enforcement agency a thorough background check of nominees for OPA Director identified by the Mayor and report the results to the Mayor.

- A. If the Chief of Police decides not to follow the OPA Director's written recommendations on findings or discipline of an OPA investigation, the Chief of Police shall provide a written statement of the material reasons for the decision. If the basis for not sustaining the complaint or revising the discipline or remedial action is personal, involving family or health-related circumstances about the named employee, the statement shall refer to "personal circumstances" as the basis. The Chief of Police shall make this written statement within 30 days of the final decision. The written statement shall be provided to the Mayor, City Council, OPA Director and Independent Police Accountability Auditor, and be included in the OPA case file. If the findings or discipline are changed pursuant to an appeal or grievance, this responsibility shall rest with the City Attorney.
- B. If no discipline results from an OPA complaint because an investigation time limit specified in a collective bargaining agreement between the City and the named employee's bargaining unit has been exceeded, within 30 days of the final certification of the investigation by the OPA Director, the OPA Director shall make a written statement of the nature of the allegations in the complaint and the reason or reasons why the time limit was exceeded. This requirement applies whether the OPA Director recommended the complaint be sustained or declined to make a recommendation because the time limit had been exceeded. The written statement shall be included in the OPA case file and provided to the Mayor, City Council, and Independent Police Accountability Auditor.
- C. The written statements required by subsections 3.29.025.A and 3.29.025.B shall not identify named employees or divulge personal information about named employees or anyone else involved in the complaint and shall be subject to any applicable confidentiality requirements in state or federal law. The statements shall not affect any discipline decisions; the Chief of Police remains the final SPD decision maker in disciplinary actions.
- D. The OPA Director shall include summaries of the written statements required by subsections 3.29.025.A and 3.29.025.B in the OPA Director's reports required by this Chapter 3.29. The summaries shall not identify named employees or divulge personal information about the named employees or anyone else involved in the complaint and shall be subject to any applicable confidentiality requirements in state or federal law.

Office of Police Accountability - Reporting

- A. Timely and informative reporting to the public and its elected officials by OPA is important to sustain public trust and help the City's police accountability system function effectively and allow for regular and continuous improvement. The OPA Director shall collaborate with the CPC to make OPA reports readily understandable, focused on issues and trends of most concern to the public and stakeholders. The reports should be delivered through channels that are easily accessible to the broad public.
- B. OPA shall maintain an easily navigable website with comprehensive, substantive, and timely information on matters of public interest concerning SPD's accountability system, with a link to a separate CPC website. OPA shall maintain a page on its website that provides information about the Independent Police Accountability Auditor and contains the Independent Police Accountability Auditor's reports.
- C. OPA shall post online, in a timely manner, summaries of completed investigations, including the allegations, the analysis, the findings, and the results of disciplinary appeals; and shall

distribute a compilation of these summaries electronically, no less than once a month, to interested stakeholders.

- D. OPA shall post online timely updates on the outcome of Management Actions directed as a result of OPA investigations or complaints, including the status of changes recommended to SPD policies or practices.
- E. OPA shall regularly report on the effectiveness of the disciplinary system and the nature of discipline imposed.
- F. OPA shall post online and electronically distribute a report each year to the Mayor, the City Attorney, the City Council, the Chief of Police, the Independent Police Accountability Auditor, and the CPC, as well as to the City Clerk for filing as a public record. This report by the OPA Director shall describe the work of OPA and include any recommendations for policy or practice changes arising from investigation of complaints.
- G. The OPA Director's annual report shall include the following, which may be modified in consultation with the CPC if it is determined that other information would better help public understanding:
 - 1. The number and percentage of all complaints by classification and nature of allegation received by OPA;
 - 2. The number and percentage of all complaints and allegations sustained and the specific disciplinary or other remedial action taken in sustained cases;
 - 3. The number and percentage of cases which were appealed or grieved, and the number and percentage of these cases in which findings and/or discipline determinations were changed, and the nature of those changes, as a result of appeals or for other reasons;
 - 4. The number and percentage of all complaints and allegations not sustained, and the basis for all not sustained findings, e.g., unfounded, inconclusive, lawful and proper;
 - 5. The number and percentage of all complaints handled directly by frontline supervisors, referred for Supervisor Action, Management Action, training or alternative resolution;
 - 6. The geographic and shift distribution of incidents underlying complaints;
 - 7. The racial, ethnic, gender, and geographic distributions of complainants, as this information is provided voluntarily by complainants;
 - 8. The racial, ethnic, gender, assignment, shift and seniority distributions of named employees who are subjects of complaints;
 - 9. The number of named employees who have received two or more sustained complaints within one year;

10. The timeliness and thoroughness of certain OPA and SPD processes, including but not limited to complaint handling, investigations handled by frontline supervisors, Supervisor Actions, mediations, Management Actions, rapid adjudications, and Training Referrals;
 11. Patterns and trends in all OPA complaints, including year-to-year comparisons of demographic data that can help identify problems, deter misconduct, and inform SPD policy and practice improvements; and
 12. A summary of all cases of significant public concern related to public confidence and trust, including the outcome of reviews by SPD units of officer-involved shootings and in-custody deaths.
- H. The OPA Director shall make available to the Independent Police Accountability Auditor and the CPC information necessary for their respective auditing and oversight functions set forth in this Chapter 3.29, in a timeframe allowing for the timely performance of those auditing and oversight functions.

Office of Police Accountability - Meetings

- A. The OPA Director or the OPA Director's designee shall meet regularly with the CPC, its committees, or staff to provide and receive information consistent with the purposes of this Chapter 3.29. The OPA Director shall review the OPA Director reports with the CPC, and the implementation status of recommendations made to improve OPA and SPD policies and practices.
- B. The OPA Director shall meet periodically with the Mayor, City Council, and the Chief of Police to advise on the investigatory and disciplinary functions of OPA and SPD and make recommendations to improve OPA and SPD policies and practices consistent with the purposes of this Chapter 3.29.
- C. The OPA Director and the OPA staff shall solicit and review community input on policies and practices related to police accountability and professional conduct. This obligation may be performed in coordination with the CPC and its staff.

Office of Police Accountability - Confidentiality of files and records

The OPA_Director shall protect the confidentiality of OPA and SPD files and records to which OPA_has been provided access to the extent permitted by applicable law and collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in the same manner and to the same degree as the OPA Director would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The OPA Director shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act Chapter 10.97 RCW) and Public Disclosure Act (RCW 42.17.250 et seq.). The OPA Director shall not identify the subject of an investigation in any public report required by this Chapter 3.29.

Independent Police Accountability Auditor established - Purpose and authority

- A. There is established an Independent Police Accountability Auditor to provide objective, third party review of complaint handling, internal investigations, and other OPA activities, as well as to serve the public interest by providing unbiased analysis and objective recommendations to City policymakers about OPA and SPD policies, procedures, and practices arising from

review of complaints, internal investigations, and OPA oversight of other SPD administrative investigation processes. The Independent Police Accountability Auditor is an essential component of the checks and balances that comprise the City's civilian oversight system for police accountability.

- B. To eliminate the potential for conflicts of interest that exist when an audit or investigative function is placed under the authority of the official whose programs or agencies are being scrutinized, to insulate against possible reprisal, and to promote independent and objective analysis and reporting, the Independent Police Accountability Auditor shall be a civilian independent contractor, wholly independent of all City departments and agencies.
- C. The work of the Independent Police Accountability Auditor is intended to further instill confidence and public trust in the fairness and integrity of the police accountability system and in the effectiveness and professionalism of SPD by providing additional professional review of OPA cases, and to provide an independent perspective on the efficacy of policies, procedures, and practices of OPA and SPD.
- D. To help with the goal that all allegations of misconduct be addressed appropriately, the Independent Police Accountability Auditor shall, in addition to the OPA Director, review the proposed classifications, named employees, and allegations for all complaints.

The Independent Police Accountability Auditor's review shall occur simultaneously with that of the OPA Director so that any recommended revision can be made if the OPA Director agrees. If the OPA Director disagrees with the Independent Police Accountability Auditor's recommendation concerning classification or named employees, the Independent Police Accountability Auditor's recommendation shall be documented in the case file. If the Independent Police Accountability Auditor recommends a different or additional allegation, the OPA Director's concurrence is not required. This process of review of recommended classifications of complaints will determine whether each complaint should be investigated by OPA, referred to the employee's supervisor for follow-up, or handled through an alternative resolution.

- E. To help achieve the goal that OPA investigations be thorough, fair, and objective, the Independent Police Accountability Auditor shall, after OPA believes an investigation to be complete, review all investigations involving allegations concerning violations of law; honesty; use of force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct; retaliation; harassment; responsibilities of employees regarding complaints of misconduct; discretion and authority; primary investigations; stops, detentions and arrests; or search and seizure. The Independent Police Accountability Auditor shall have complete discretion to direct at the time of classification or during the investigative process that any other investigation not including these allegations shall also be submitted by OPA to the Independent Police Accountability Auditor for review and certification. If the Independent Police Accountability Auditor determines that the investigation is thorough, fair, and objective, the Independent Police Accountability Auditor will certify it and the OPA Director may then proceed to issue recommended findings to the Chief of Police. If, however, the Independent Police Accountability Auditor finds that the investigation is not ready to be certified, the Independent Police Accountability Auditor may request or require additional evidence be obtained, additional witnesses interviewed, or other steps taken. Upon completion of any additional work requested or directed by the Independent Police Accountability Auditor, the case shall be re-submitted to the Independent Police Accountability Auditor for certification before the OPA Director may issue proposed

findings. If additional investigation is requested by the Chief of Police after the due process hearing, as allowed by collective bargaining agreement, the investigation shall be re-submitted to the Independent Police Accountability Auditor for re-certification.

- F. For all cases referred to supervisors, or for mediation or alternative resolution in lieu of an investigation, or for cases resulting in Management Action or Training Referral upon completion of an investigation, the Independent Police Accountability Auditor shall conduct a review at least twice each year to determine whether the ensuing actions taken were sufficient and timely.

Independent Police Accountability Auditor - Access and independence

- A. The Independent Police Accountability Auditor shall exercise discretionary and oversight responsibilities granted by this Chapter 3.29 without interference from the Chief of Police, other SPD employees, or other City officials.
- B. OPA shall provide secure, private space in OPA for the Independent Police Accountability Auditor to conduct case reviews, and provide administrative and technical support to facilitate full and timely access, either directly or electronically, to necessary files and other records.
- C. The Independent Police Accountability Auditor shall have full access to all OPA files and records and is authorized to request any information on OPA cases, workload, or procedures necessary to perform the duties set forth in this Section 3.29.105. OPA shall make any requested information available to the Independent Police Accountability Auditor in a timely and comprehensive manner and shall provide secure access to necessary data systems in a manner consistent with the integrity of the independent audit function.
- D. The OPA Director shall provide the Independent Police Accountability Auditor each year in June and December status reports regarding OPA cases which were referred by OPA for possible criminal investigations during the previous six months. These status reports shall include the nature of the criminal allegation, the case number, the named employee(s), date of complaint, and the current status of the case.
- E. The OPA Director shall provide the Independent Police Accountability Auditor each year in June and December status reports regarding OPA cases in which the findings or discipline have been appealed during the previous six months. These status reports shall include all OPA cases not yet closed due to appeal, the case number, the named employee(s), date of complaint, date of disciplinary action, date of appeal, nature of the appeal, and current status of the case, including any modification to the case disposition as a result of appeal.
- F. OPA files and records made available to the Independent Police Accountability Auditor are the property of OPA and shall not, by operation of this Chapter 3.29, become the property of the Independent Police Accountability Auditor. The Independent Police Accountability Auditor shall make every reasonable effort to maintain the security of files belonging to OPA while in the Independent Police Accountability Auditor's possession. Any requests made to the Independent Police Accountability Auditor for OPA files or records, whether through litigation discovery or pursuant to public disclosure, shall be referred to the City Attorney for response.

- H. Upon completion of an audit, the Independent Police Accountability Auditor shall return to the OPA all files, reports, and records to which the Independent Police Accountability Auditor has been provided access pursuant to these audit procedures and standards.

Independent Police Accountability Auditor - Auditor

- A. The duties of the Independent Police Accountability Auditor are to:
1. Review all proposed classifications for complaints of misconduct or policy violations and provide input to the OPA Director on classification, named employees and allegations.
 2. Review investigations identified in Section 3.29.100.E above prior to certification by the OPA Director to determine whether an investigation was thorough and objective.
 3. Request or direct further investigation of certain investigations. The Independent Police Accountability Auditor shall use best efforts to complete review of investigations without unreasonably delaying issuance of recommended findings and certification by the OPA Director and review by the named employee's chain of command. After reviewing the investigation, the Independent Police Accountability Auditor shall document in writing the case as a) certified as thorough and objective; b) not certified because the investigation is not thorough and objective but additional investigation is not requested or directed, and the reason; or c) not certified because the investigation is not thorough and objective, along with any requested further investigation to be conducted by OPA. The certification memorandum by the Independent Police Accountability Auditor shall be included as an exhibit in the case file indicating the date of review, whether the case has been certified, or whether further action is requested or directed, with the reasons for further actions. Criteria the Independent Police Accountability Auditor should consider in reviewing investigations include, but are not limited to: (a) whether witnesses were contacted, interviewed, and all other material evidence collected; (b) whether interviews were thorough; (c) whether additional clarifying information would strengthen the investigation; (d) whether the written summary and analysis are objective and accurately reflect the evidence; and (e) whether applicable OPA procedures were followed. In the event the OPA Director disagrees with the Independent Police Accountability Auditor's request for additional investigation, the OPA Director and the Independent Police Accountability Auditor together shall seek advice from the City Attorney's Office as to whether OPA should conduct the specified further investigation. If within ten days after being notified that a case file has been preliminarily completed, the Independent Police Accountability Auditor has not advised OPA of concerns with the investigation, the OPA Director may certify the case and forward it to the named employee's chain of command; in these instances, the Independent Police Accountability Auditor is precluded from requiring further investigation.
 4. Through semi-annual review, assess the thoroughness and timeliness of OPA complaint handling for those cases not investigated, including cases referred to supervisors, mediated, resolved through alternative resolution, and for the timely and substantive follow-through on OPA recommendations for Management Actions and Training Referrals.

5. The Independent Police Accountability Auditor may audit any and all OPA and SPD systems, policies, and practices arising from the review of complaints, internal investigations, and OPA oversight of other SPD administrative investigation processes. The Independent Police Accountability Auditor shall be provided staff capacity to help conduct such audits.
 6. Review and comment on proposed revisions to the OPA Internal Operations and Training Manual and to SPD policies, in accord with a process that provides for input prior to final adoption.
 7. Advise the OPA Director, the Chief of Police, the Mayor, City Council, City Attorney, and the CPC on complaint-handling, investigatory, and disciplinary functions of the OPA and SPD, and recommend and promote changes to training, policies, practices, collective bargaining agreements, City ordinances, and state laws in order to support systemic improvements and other enhancements of SPD performance.
 8. Provide technical expertise to the CPC.
- B. Qualifications. The Independent Police Accountability Auditor shall be a civilian who is a graduate of an accredited law school and member in good standing of the Washington State Bar Association and, prior to appointment, shall have had at least five years of experience in the practice of law, or serving as a judicial officer, or in another similar position in which objectivity and integrity are required primary attributes, with demonstrated skills in evaluating investigative records and system processes. The Independent Police Accountability Auditor shall have the following additional qualifications and characteristics:
1. A reputation for integrity and professionalism, and the ability to maintain a high standard of integrity in the office;
 2. A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties;
 3. A commitment to the statements of purpose and policies in this Chapter 3.29;
 4. A history of leadership experience;
 5. The ability to gain the respect of complainants, SPD employees, the CPC, and the public;
 6. The ability to work effectively with the Mayor, City Council, City Attorney, Chief of Police, the OPA Director, SPD employees, the CPC, other public agencies, private organizations, and the public;
 7. The ability to work with diverse groups and individuals; and
 8. The ability to maintain fairness and objectivity in an environment where controversy is common.

In addition to the qualifications and characteristics set forth in this subsection 3.29.110.B, it would be helpful for the Independent Police Accountability Auditor to have a background in organizational management or performance auditing in order to review and make recommendations on the effectiveness of police policies, practices, and training.

C. Appointment, removal and compensation

1. The Independent Police Accountability Auditor shall be appointed and reappointed by the Mayor, in consultation with the CPC during the search and selection process, and subject to confirmation by the City Council. The OPA Auditor shall serve a term of three years and may be reappointed to two subsequent three year terms for a total of nine years. To strengthen the independence of the Independent Police Accountability Auditor, the Mayor may remove the Independent Police Accountability Auditor from office only for cause, with sufficient notice to, and with the concurrence of, the City Council, following input from the CPC.
2. Succeeding terms that are not reappointments of the same individual shall commence for three years upon appointment of a new Independent Police Accountability Auditor, regardless of the length of term served by the preceding Independent Police Accountability Auditor. Reappointments shall commence for three additional years from the date that individual's previous term expires if the incumbent is reappointed within 90 days before or after the expiration of the previous term; otherwise the successive term shall commence upon reappointment. Each appointment shall be made whenever possible prior to the termination or expiration of the latest incumbent's term of office so as to have a seamless transition without a gap in oversight. If an incumbent is reappointed, the City Council should act to approve or disapprove the reappointment at least 45 days before the expiration of the present term.
3. The Independent Police Accountability Auditor shall not be a City employee and shall be compensated at a rate consistent with the level of responsibility established in this Section 3.29.110 as provided by ordinance or by appropriation in the City's annual budget, and at a rate that ensures the Independent Police Accountability Auditor has capacity to perform the responsibilities specified in this Chapter 3.29.
4. The Seattle Department of Human Resources shall obtain from an outside law enforcement agency a thorough background check of nominees for Independent Police Accountability Auditor identified by the Mayor and report the results to the Mayor.

Independent Police Accountability Auditor - Reporting

- A. To enhance the transparency and openness of the police accountability system, the Independent Police Accountability Auditor shall issue a public report semi-annually. The Independent Police Accountability Auditor shall provide public presentations of highlights of these reports to the CPC. The Independent Police Accountability Auditor will collaborate with the CPC to help make the reports readily understandable and deliver them through channels that are easily accessible to the broad public. The Independent Police Accountability Auditor's reports shall contain a general description of the complaints and cases reviewed, and should include, but not be limited to:

1. The number of investigations reviewed, a description of those cases in which the Independent Police Accountability Auditor requested or required further investigation, and a description of OPA's follow-up;
2. The semi-annual reviews of OPA complaint handling for cases not investigated, Supervisor Actions, contact logs, mediations, Management Action, Training Referral and other alternative resolutions;
3. A description of any concerns or trends noted in OPA complaint intake and investigations;
4. A description of other issues, problems, and trends noted by the Independent Police Accountability Auditor as a result of the Independent Police Accountability Auditor's oversight;
5. Recommendations that SPD or OPA make policy, practice, training, or procedural changes;
6. Findings from audits of OPA records or the OPA Director's reports; and
7. Other information, as appropriate, requested by the CPC that would help make reporting out to the public by the Independent Police Accountability Auditor as useful as possible.

The Independent Police Accountability Auditor shall deliver a preliminary draft of the semi-annual report to the OPA Director and Chief of Police for review and comment. The OPA Director and the Chief of Police shall review and comment on the preliminary report to the Independent Police Accountability Auditor within ten working days after receipt of the report. The Independent Police Accountability Auditor shall then issue the final report within ten working days after receipt of comments from the OPA Director and the Chief.

- C. The Independent Police Accountability Auditor shall issue these reports to the Mayor, City Attorney, City Council, Chief of Police, OPA Director, and the CPC, as well as to the City Clerk for filing as a public record. OPA shall post the Independent Police Auditor's reports on the Independent Police Accountability Auditor section of the OPA website.
- D. The Independent Police Accountability Auditor's reports shall not contain any recommendations concerning the discipline of any particular named employee, nor shall the reports comment upon or make any recommendation concerning potential civil or criminal liability of any employee, police officer, or member of the public.

Independent Police Accountability Auditor - Meetings

- A. The Independent Police Auditor shall meet periodically with the Mayor, the City Council, the CPC, and the Chief of Police, advising on the performance and functions of OPA and SPD and making recommendations to improve OPA and SPD policies and practices.
- B. The Independent Police Accountability Auditor shall meet regularly with the CPC, its committees, or staff to provide and receive information concerning the SPD accountability system, and the extent to which the purposes and requirements of this Chapter 3.29 are being met. The Independent Police Accountability Auditor shall review the Independent Police

Accountability Auditor's semi-annual reports, recommendations, and the implementation status of those recommendations with the CPC.

Independent Police Accountability Auditor - Confidentiality of files and records

The Independent Police Accountability Auditor shall protect the confidentiality of OPA and SPD files and records to which the Independent Police Accountability Auditor has been provided access to the extent permitted by applicable law and collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in the same manner and to the same degree as the Independent Police Accountability Auditor would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The Independent Police Accountability Auditor shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act Chapter 10.97 RCW) and Public Disclosure Act (RCW 42.17.250 et seq.). The Independent Police Accountability Auditor shall not identify the subject of an investigation in any public report required by this Chapter 3.29.

Community Police Commission established - Purpose and authority

- A. One of the cornerstones of effective oversight of law enforcement is community involvement. The purpose of the Community Police Commission (CPC) is to provide the public with meaningful participatory oversight of SPD policies and practices of particular significance to the public or affecting public trust in accord with the purposes of this Chapter 3.29 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.
- B. The CPC was originally established by ordinance with responsibilities under a Settlement Agreement between The City of Seattle and the United States Department of Justice. The additional and ongoing responsibilities of the CPC detailed in this Chapter 3.29 are separate from those under Subchapter IX of Chapter 3.14, to make clear the City's intention that civilian oversight be enhanced and broadened beyond the limited time and scope initially set forth in the Settlement Agreement in order to better serve the public.
- C. The CPC shall not review the investigation of specific OPA complaints, and shall not seek to influence the course or outcome of specific OPA investigations or any discipline or other remedial action imposed.
- D. The CPC is situated within The City of Seattle's Executive Department, but is self-governing and functionally independent. A budget with sufficient staffing and resources for effective CPC operations shall be submitted to the Mayor and the City Council annually by the CPC Executive Director.
- E. The work of the CPC is intended to further instill confidence and public trust in the fairness and integrity of the police accountability system and in the effectiveness and professionalism of SPD. The CPC's independence is critical to its ability to perform this oversight role effectively. SPD employees and City officials shall respect the obligation of Commissioners and CPC staff to exercise independent judgment and offer critical analysis.
- F. The Mayor shall appoint the CPC Executive Director, after consultation with the CPC during the search and selection process, subject to confirmation by the City Council, to a four-year term ending two years after the term of the Mayor. The CPC Executive Director may be reappointed to subsequent four-year terms. The Mayor may remove the CPC Executive

Director from office only for cause, and with sufficient notice to, and the concurrence of, the City Council. Any person appointed to fill a vacancy shall serve the remainder of the term. To maintain independence, the CPC Executive Director shall receive direction only from the Commissioners, and the CPC shall have budget and program control of its own operations. The CPC may adopt bylaws to govern its own activities.

Community Police Commission - Commission

A. The duties of the CPC are to:

1. Review and provide input to OPA and SPD on the police accountability system and SPD policies, training, and practices of significance to the public, consistent with the purposes of this Chapter 3.29.
2. Review and comment on proposed revisions to the OPA Internal Operations and Training Manual and to SPD policies in accordance with a process that provides for input prior to final adoption.
3. Engage in extensive outreach and conduct surveys to obtain the perspectives of community members and SPD employees on police-community relations, SPD policies, training, and practices, and on other matters consistent with the purposes of this Chapter 3.29. SPD approval is required for CPC employee surveys to be administered through SPD.
4. Review and provide input on all memoranda of understanding provisions between the Chief of Police and the OPA Director prior to their finalization for consistency with the purposes of this Chapter 3.29.
5. Monitor and report on the implementation by City elected officials and SPD of recommendations made by the OPA Director, the Independent Police Accountability Auditor, and the CPC.
6. Review and provide input into SPD recruiting, hiring, and promotional practices.
7. Provide a regular opportunity for the OPA Director and the Independent Police Accountability Auditor, no less than quarterly, to review information they wish to provide the CPC concerning the effectiveness of SPD or any obstacles to the OPA Director's or the Independent Police Accountability Auditor's abilities to perform their duties.
8. Review reports required by this Chapter 3.29 and any recommendations of the OPA Director and the Independent Police Accountability Auditor.
9. Advise the Mayor on the recruitment and selection process and nomination of OPA Directors, Independent Police Accountability Auditors, and members of the CPC; and review and provide input to the Mayor on the reappointment or removal of OPA Directors and Independent Police Accountability Auditors.
10. Annually review the effectiveness of the OPA Director and the Independent Police Accountability Auditor after soliciting public, Mayoral, City Council, City Attorney, Chief of Police, and SPD employee perspectives.

11. Make recommendations to policymakers with regard to needed improvements to collective bargaining agreements, City ordinances, and state laws.
12. Convene an annual meeting to receive public comments and to formally report to the community on the effectiveness of the police accountability system, including providing an update on the implementation status of any previously recommended improvements.
13. Serve as an advisory body to the OPA Director and the Independent Police Accountability Auditor, identifying problems and recommending improvements to police accountability, including ways to make the system more accessible and transparent to the public.
14. Consult with OPA on the development, revision, and distribution of public and employee informational materials and the OPA website.
15. Collaborate with SPD, OPA, and the City Attorney's Office in improving system transparency, including improving SPD public disclosure procedures and providing for timely online posting by OPA of information about the status of investigations and their outcomes.
16. Consistent with the purposes of this Chapter 3.29, recommend to the Independent Police Accountability Auditor topics for review.

B. Qualifications.

1. Commissioners shall be respected members of Seattle's many diverse communities, and include a representative from the Seattle Police Officers Guild and a representative from the Seattle Police Management Association. The remaining Commissioners shall reside or work in Seattle, and members shall collectively include residents from each of the City's police precincts.
2. Collectively, Commissioners shall have a deep understanding of community interests and needs, all shall have general knowledge of police accountability matters, and some shall have extensive subject matter expertise, including in the areas of law enforcement oversight, civil rights and civil liberties, and cultural competency. Altogether, there shall be a balance that allows the CPC as a whole to benefit from the knowledge and expertise of its individual members.
3. Commissioners shall be representative of Seattle's diverse population, drawn from different racial and ethnic groups, including immigrant/refugee communities, and from the LGBT, youth, faith, business, and other communities reflecting the overall demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of those who are limited-English speakers, homeless, or who have mental illness and substance abuse disorders, or shall be drawn from communities that have had difficulties in their interactions with SPD.
4. Individual Commissioners shall have expertise in law enforcement, police accountability, human resources, community engagement, organizational change, Constitutional, criminal, or labor law, social justice, training, or other disciplines

important to the CPC's work, and all shall have the following qualifications and characteristics:

- a. A reputation for integrity and professionalism, and for effectiveness in a board or commission role;
- b. An understanding of the responsibilities of law enforcement, including enforcement, care-taking, and the need to protect basic constitutional rights of all affected parties;
- c. A commitment to the statements of purpose in this Chapter 3.29;
- d. A history of leadership experience and/or deep roots in communities represented;
- e. The ability to work with diverse groups and individuals; and
- f. The ability to maintain fairness and objectivity in an environment where controversy is common.

C. Appointment, removal and compensation

1. The CPC shall consist of 15 to 17 Commissioners, appointed and reappointed by the Mayor and confirmed by a majority vote of the City Council. Removal of Commissioners from office by the Mayor may only be for cause and with the concurrence of the City Council. The Mayor shall seek the concurrence of the CPC Executive Director prior to making appointments.
2. The Mayor shall select appointees in a manner consistent with qualifications outlined in this Section 3.29.205 and in a manner that effectuates the bylaws of the CPC with respect to the composition of the CPC. All reappointments shall be made so as to allow for continuous service of the Commissioner without interruption. All new appointments shall be made as soon as such can reasonably be done, but no later than three months after the termination or expiration of the latest incumbent's term of office or the creation of a vacancy.
3. Commissioners shall be appointed and reappointed to staggered second and third terms. The maximum length of terms shall be three years and no Commissioner shall serve more than three terms, with each appointment from the date of expiration of the immediately preceding term; provided, that if a vacancy should occur in the office before the expiration of the former incumbent's term, a successor shall serve the remainder of the said former incumbent's term and may be reappointed to up to two additional three-year terms.
4. The staggered terms shall be such that no more than six Commissioners' terms expire in any year.
5. Commissioners shall be compensated as provided by ordinance.

D. Staff. Sufficient professional staff shall be provided by the City to enable the CPC to perform the responsibilities specified and fulfill its duties under this Chapter 3.29.

Community Police Commission - Reporting

- A. The Community Police Commission shall issue, and post online, an annual public report and provide the report to the Mayor, City Attorney, City Council, Chief of Police, OPA Director, and Independent Police Accountability Auditor, as well as to the City Clerk for filing as a public record. These reports shall describe the work of the CPC in fulfilling the responsibilities detailed in this Chapter 3.29, including:
 - 1. The extent to which the purpose, duties and responsibilities detailed in this Chapter 3.29 have been met;
 - 2. The extent to which prior recommendations for improvements to SPD and OPA policies, practices, systems, training, and the accountability system have been implemented; and, if they have not, the reasons;
 - 3. Any new CPC recommendations for systemic, training, engagement, policy, and practice changes; and
 - 4. Information about the CPC's outreach to SPD employees and the public, and about the perspectives gathered by the CPC from such outreach.

Community Police Commission - Meetings

- A. The CPC shall periodically meet with the Mayor, City Attorney, City Council, and Chief of Police, to discuss its work under this Chapter 3.29.
- B. The CPC shall hold regular public meetings, no less than once a month, and establish workgroup subcommittees of its members to meet as necessary.

Departmental Responsibilities

- A. SPD shall establish and maintain clear written policies requiring that all significant matters coming to SPD's attention that involve potential police misconduct or policy violations are documented and forwarded in a timely manner to OPA, including cases originating from outside sources and from all SPD units or boards with authority to review compliance with policy or to conduct administrative investigative processes.
- B. Any SPD administrative investigatory process must be approved by the Chief of Police, and its procedures defined in the SPD Policy Manual. Only OPA may formally recommend discipline to the Chief.
- C. SPD employees have an affirmative obligation to refer potential serious misconduct or policy violations, other than those specified in SPD policy as the responsibility of supervisors, to OPA. Any SPD unit or board with authority to conduct administrative investigations or review compliance with policy also has a responsibility for ensuring complete and timely referral to OPA of any incident they review that involves such potential serious misconduct or policy violation.
- D. SPD shall establish a process by which the CPC, the OPA Director, and the Independent Police Accountability Auditor have notice of policies under development or revision and sufficient time to review and comment on, prior to issuance, policies that the CPC, the OPA

Director, or the Independent Police Accountability Auditor identify as being of significant public interest or affecting public confidence and trust. Such a process shall not preclude SPD from implementing policies due to exigent circumstances prior to review by the CPC, the OPA Director, and the Independent Police Accountability Auditor.

- E. The Chief of Police shall collaborate with the OPA Director with the goal that sworn staff assigned to OPA have requisite skills and abilities and the goal that the rotations of sworn staff into and out of OPA are done in such a way as to maintain OPA's operational effectiveness.
- F. While any incident of public concern is under any form of City review, including OPA investigation, SPD Force Review Board or other review, the Chief of Police or any SPD employee shall not comment in a way that suggests that any factual, policy or legal conclusions have been reached about the incident. Nothing in this section restricts the ability of a union representative to comment in their representative capacity.
- G. SPD shall respond to recommendations issued by the OPA Director, the Independent Police Accountability Auditor, or the CPC within 30 days, providing a plan for implementation of accepted recommendations, and a rationale or other explanatory information for those recommendations not accepted or scheduled for implementation, and as appropriate, for regular timely reports of progress on the status of recommendations to be implemented. If the lead entity responding to the implementation is a City Department other than SPD, the Director of the Mayor's Office of Policy and Innovation shall coordinate providing the necessary information to SPD to include in the response.
- H. SPD shall make a timely and substantive response or follow-through on any OPA recommendations for Management Actions and Training Referrals.
- I. SPD shall track and document OPA cases referred from the OPA Director to the Chief of Police in OPA and SPD data systems.
- J. SPD shall implement discipline when it is imposed or shortly thereafter, not upon conclusion of any disciplinary appeal process. SPD shall track all records of the disciplinary determinations of the Chief of Police in order to assist the Chief in imposing consistent discipline. The OPA Director and the Independent Police Accountability Auditor shall have unfettered access to this information.
- K. A grievance or disciplinary appeal is initiated by filing notice to the Chief of Police and the City Attorney concurrently.
- L. The City Attorney's Office will determine legal representation for SPD in disciplinary challenges. The City, including SPD, shall not settle or resolve grievances or disciplinary appeals without the approval of the City Attorney's Office.
- M. As appropriate, the City Attorney shall advise the OPA Director and the Chief of Police of any issues identified through litigation, grievances, or disciplinary appeals to help OPA and SPD make informed improvements to policies and procedures.
- N. SPD shall maintain systems of critical self-analysis, including audits and reviews of critical events, lawsuits, claims, and complaints. These reviews should focus on ways to improve

policies, training, and supervision so as to help prevent misconduct, policy violations, poor performance, or other adverse outcomes.

- O. SPD shall collaborate with OPA in the development and delivery of SPD in-service training related to the accountability system.
- P. SPD shall make available information about its policies and operations that are matters of concern to the public by posting such information online, such as the SPD Policy Manual, performance audit reports, reviews of shootings by officers, and reviews of in-custody deaths.

Section 28. It is the express intent of the City Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be the new position or office created by this ordinance, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to this ordinance.

Section 29. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a Section or subsection of the Seattle Municipal Code or a previously enacted ordinance that is amended or recodified in this ordinance, but the later ordinance fails to account for the change made by this ordinance, the two sets of amendments should be given effect together if at all possible.

Section 30. This ordinance does not affect any existing right acquired or liability or obligation incurred under the Sections amended, repealed, or recodified in this ordinance or under any rule or order adopted under those Sections, nor does it affect any proceeding instituted under those Sections.

Section 31. Any provision of this ordinance that requires collective bargaining shall not become effective until the City satisfies its collective bargaining obligations under the Public Employees' Collective Bargaining Act, RCW Ch. 41.56.