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CITY OF SEATTLE

ORDINANCE 125315

COUNCIL BILL 118969

AN ORDINANCE relating to civilian and community oversight of the police; adding a new Chapter 3.29 to the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII, and IX of Chapter 3.28 of the SMC as Subchapters I, II, and III of Chapter 3.29; amending or repealing sections in Chapters 3.28, 4.08, and 14.12 of the SMC; and concerning Ordinance 118482.

WHEREAS, The City of Seattle has a long history of police reform, and the recommendations of blue ribbon panels dating back to the 1990s resulted in the creation of the current police oversight structure which includes the Office of Professional Accountability (OPA), the OPA Auditor, and the OPA Review Board; and

WHEREAS, The City of Seattle recognizes the need to have effective, constitutional policing and a police department that has the trust, respect, and support of the community; and

WHEREAS, having constitutional policing requires a strong oversight system that takes into account the voice and values of the community that is being policed; and

WHEREAS, an essential element of a strong oversight system is a disciplinary system that prevents misconduct by engaging in thorough and timely civilian-led investigations that engender public trust and confidence; and

WHEREAS, a disciplinary system, with the Chief as the final arbiter, that metes out fair, impartial, and swift discipline commensurate to the wrongdoing will reduce misconduct and ensure and maintain a culture of accountability and adherence to policy and constitutional law; and

WHEREAS, it is The City of Seattle’s intent to ensure by law a comprehensive and sustainable independent oversight system that guarantees a police department that has the trust and

1 confidence of the community and respects the constitutional rights of the people of
2 Seattle; and

3 WHEREAS, policing that aligns with Seattle community values, needs, and expectations has
4 been an ongoing goal as highlighted by events involving allegations of unconstitutional
5 use of force and biased policing, including the death of First Nations woodcarver John
6 T. Williams and other episodes that led community groups in 2010 to call for the federal
7 investigation that ensued into the policing practices of the Seattle Police Department
8 (SPD); and

9 WHEREAS, The City of Seattle has been operating under a Settlement Agreement and
10 Memorandum of Understanding with the United States Department of Justice since 2012,
11 but also separately recognizes the need to have effective, constitutional policing and a
12 police department that retains the trust, respect, and support of the community; and

13 WHEREAS, beginning in January 2014, the Community Police Commission reviewed and
14 endorsed recommendations for improvements to the accountability system previously
15 issued by the OPA Auditor and issued additional recommendations for broadening the
16 scope and strengthening the independence and sustainability of the civilian-led system,
17 all of which served as the foundation of the current legislation; and

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

1 WHEREAS, The City of Seattle’s proposed accountability system with a civilian-led misconduct
2 investigations unit, an independent police inspector general, and a strong community-
3 based oversight commission, has many strengths other models of oversight do not, and
4 addresses systemic weaknesses with which other systems have struggled; and

5 WHEREAS, Charter Amendment 19, providing for geographic representation based on seven
6 neighborhood districts, was approved by nearly 66 percent of Seattle voters in the fall of
7 2013 to ensure that Seattle, as a growing major metropolitan area, has a governance
8 structure that reflects a commitment to geographic inclusion and that all areas of the city
9 have an identifiable representative; and

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

14 WHEREAS, most large U.S. cities like Seattle which is 143 square miles and home to over
15 680,000 residents are represented by districts to ensure geographic representation to
16 recognize the right of all residents to have a voice in their governance; and

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

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

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

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

10 NOW, THEREFORE,

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

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

14 A. The history of police reform efforts in Seattle dates back decades, including, for
15 example, 1988 grant-funded work by the Seattle Police Department (SPD) to implement
16 community policing that was held up as a model partnership between the community and police
17 by the National Institute of Justice in 1992.

18 B. The City of Seattle began civilian police oversight in 1992 by providing for a civilian
19 auditor with legal expertise to independently review police department internal investigations.
20 Adopting the 1999 recommendations of the Citizens’ Review Panel, The City of Seattle extended
21 civilian oversight in 2002 by creating a three-part civilian oversight system. SPD’s Internal
22 Investigations Unit was replaced by a civilian-led OPA, the civilian auditor became the OPA
23 Auditor, responsible for reviewing OPA investigations, and a three member OPA Review Board

1 was created to review the quality of the complaint-handling process, advise The City of Seattle
2 on police department policies and practices, and conduct public outreach.

3 C. In 2007, The City of Seattle convened two police accountability review panels
4 and implemented many of their recommendations to further strengthen civilian police oversight
5 by clarifying the roles of the OPA Director and the OPA Auditor, expanding the OPA Auditor’s
6 roles, and increasing OPA Review Board membership to seven.

7 D. On December 2, 2010, 35 civil rights and community-based organizations
8 requested that the Civil Rights Division of the United States Department of Justice investigate
9 whether SPD had engaged in a pattern or practice of violations of civil rights by using
10 unnecessary and excessive force against residents, citing a series of incidents over the previous
11 18 months, particularly against persons of color, including a death from a police shooting.

12 E. In 2011, the Department of Justice conducted an investigation of SPD and found a
13 pattern and practice of excessive force warranting federal intervention. Based on its findings,
14 DOJ initiated a lawsuit against The City of Seattle, *United States of America v. City of Seattle*, 12
15 Civ. 1282 (JLR), in the United States District Court for the Western District of Washington
16 (“federal court”).

17 F. The federal court found that The City of Seattle and SPD fully cooperated with the
18 investigation (Document 5, Stipulation and Joint Findings of Fact and Conclusions of Law, filed
19 August 17, 2012).

20 G. The City of Seattle entered into a Settlement Agreement and Memorandum of
21 Understanding (collectively, “consent decree”) with the Department of Justice which the federal
22 court approved on September 21, 2012, that included federal court oversight to ensure The City

1 of Seattle implemented required improvements and corrections to SPD policies, practices,
2 training, and systems.

3 H. From 2014 to 2016, multiple police-involved deaths of African Americans and others
4 across the nation received significant national attention and raised local community concerns to a
5 new level. In a national climate of tense relations between the public and police, under the
6 leadership of Mayor Edward B. Murray, the Seattle City Council, and stakeholders such as the
7 City Attorney’s Office, CPC, and the OPA Auditor, the importance of building an effective
8 police oversight system with a sustainable community role has taken on new urgency.

9 I. President Obama’s White House Task Force on 21st Century Policing released a
10 comprehensive report in May 2015 that identified best practices and included recommendations
11 on how policing practices can promote crime reduction while building public trust. In January,
12 2016, Seattle Police Chief Kathleen O’Toole joined First Lady Michelle Obama during President
13 Obama’s final State of the Union address, chosen for what the White House described as The
14 City of Seattle’s nationally recognized efforts to align SPD policies with current best practices
15 and improve SPD ties with our community.

16 J. As stated in The City’s Memorandum of Understanding with DOJ, “effective and
17 constitutional policing requires a partnership between the police department, its officers,
18 community members, and public officials . . . [O]ngoing community input into the development
19 of reforms, the establishment of police priorities, and mechanisms to promote confidence in SPD
20 will strengthen SPD and facilitate police/community relationships necessary to promote public
21 safety.”

22 K. The goals of this ordinance are to institute a comprehensive and lasting police
23 oversight system that ensures that police services are delivered to the people of Seattle in a

1 manner that fully complies with the Constitution and laws of the United States and State of
2 Washington, effectively ensures public and officer safety, and promotes public confidence in
3 SPD and the services that it delivers. To accomplish these goals, The City of Seattle has
4 committed to strengthen elements of Seattle’s existing system including building a strong
5 community-based entity with authority to review and weigh in on police policies and assess the
6 responsiveness of SPD, The City of Seattle, and accountability system professionals to
7 community concerns, which has been missing in previous reform efforts.

8 L. On April 6, 2017, the federal Monitor in his ninth systemic assessment on use of
9 force, remarked that the department has “changed in fundamental ways” and that officers used
10 force that was consistent with SPD policy 99.27 percent of the time from September 2015
11 through October 2016. In that report, the Monitor noted, “Chief Kathleen O’Toole, and her
12 command staff, have worked tirelessly since she became chief in June 2014 to implement
13 comprehensively the force related provisions of the Consent Decree.” The Monitor went on to
14 state, “...the credit for this major milestone goes first and foremost to the men and women of the
15 Seattle Police Department. Their ability to meaningfully and effectively implement the use of
16 force policies and apply the related use of force training on the streets of Seattle – while facing
17 the unpredictable challenges that are part and parcel of law enforcement – is worthy of
18 substantial praise....[P]olice officers in Seattle are frequently tasked with addressing individuals
19 and situations that the rest of the social service fabric has failed, left out, or left behind. Their
20 ability to innovate, change approaches, and change the course of the Department while
21 addressing these fundamental duties is commended.”

1 M. The police have extraordinary enforcement powers to maintain the public peace,
2 and the protective measures put into place to ensure that their actions remain constitutional and
3 in the public interest must be correspondingly strong.

4 N. Having a collaborative relationship between all police oversight entities, with
5 specific roles and responsibilities for each, strengthens police accountability in a manner that is
6 not possible for each entity alone.

7 O. The provisions of this ordinance are necessary to institute a lasting police
8 oversight system that ensures that police services are delivered to the people of Seattle in a
9 manner that fully complies with the United States Constitution, the Washington State
10 Constitution, and laws of the United States, State of Washington, and City of Seattle; effectively
11 ensures public and officer safety; and promotes public confidence in SPD and the services that it
12 delivers.

13 **3.29.380 Community Police Commission – Access to and confidentiality of files and records**

14 A. For the purpose of reviewing closed OPA investigations to identify opportunities
15 for systemic improvements, CPC and the Office of the CPC shall have access to unredacted
16 complaint forms of all OPA complaints and unredacted files of all closed OPA investigations,
17 except for information OPA would be required to withhold from persons not members of
18 criminal justice agencies pursuant to the Criminal Records Privacy Act, chapter 10.97 RCW, as
19 it now exists and may hereafter be amended.

20 B.

21 1. Consistent with federal and state law, including the Criminal Records
22 Privacy Act, chapter 10.97 RCW, as well as relevant collective bargaining agreements, CPC

1 Commissioners and staff shall protect from disclosure confidential, non-public OPA and SPD
2 files and records to which CPC has been provided access.

3 2. CPC Commissioners and staff shall not disclose information contained in
4 closed OPA files that would not be available to the public, except in the reports required by
5 ordinance. CPC reports shall not contain identifying information about anyone involved in an
6 OPA complaint or OPA investigation other than OPA investigative personnel. “Identifying
7 information” is defined as name, badge number, physical description, address, telephone number,
8 email address, photographs or drawings, or any other unique identifying numbers such as
9 driver’s license, employee, vehicle or social security numbers.

10 3. In the event of a public disclosure request pursuant to the Public
11 Disclosure Act (RCW 42.17.250 et seq.), CPC shall not disclose any information contained in
12 OPA complaint forms or in files on closed OPA investigations, and shall transmit all such
13 requests to the OPA Director for response.

14 4. Indemnification and defense of CPC is governed by Chapter 4.64. It is
15 outside the scope of CPC’s duties and authority to publicly disclose any confidential, non-public
16 SPD files and records to which CPC has access.

17 C. CPC shall make every reasonable effort to maintain the security of files belonging
18 to other City departments and offices while in CPC’s possession.

19 D. Upon completion of review, CPC shall return to the City department or office all
20 original files, reports, and records to which CPC has been provided access.

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

2 **3.29.010 Purpose – Enhancing and sustaining effective police oversight**

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

8 It is The City of Seattle’s intent to ensure by law a comprehensive and sustainable
9 approach to independent oversight of the Seattle Police Department (SPD) that enhances the
10 trust and confidence of the community, and that builds an effective police department that
11 respects the civil and constitutional rights of the people of Seattle. The purpose of this Chapter
12 3.29 is to provide the authority necessary for that oversight to be as effective as possible.

13 B. Oversight of SPD shall be comprised of an Office of Police Accountability
14 (OPA) to help ensure the actions of SPD employees are constitutional and in compliance with
15 federal, state, local laws, and with City and SPD policies, and to promote respectful and
16 effective policing, by initiating, receiving, classifying, investigating, and making findings
17 related to complaints of misconduct; an Office of Inspector General for Public Safety (OIG) to
18 help ensure the fairness and integrity of the police system as a whole in its delivery of law
19 enforcement services by providing civilian auditing of the management, practices, and policies
20 of SPD and OPA and oversee ongoing fidelity to organizational reforms implemented pursuant
21 to the goals of the 2012 federal Consent Decree in *United States of America v. City of Seattle*,
22 12 Civ. 1282 (JLR); and a Community Police Commission (CPC) to help ensure public
23 confidence in the effectiveness and professionalism of SPD and the responsiveness of the police

1 accountability system to public concerns by engaging the community to develop
2 recommendations on the police accountability system and provide a community-based
3 perspective on law enforcement-related policies, practices, and services affecting public trust;
4 all for the purpose of ensuring constitutional, accountable, effective, and respectful policing.

5 C. An accountability system requires a strong, effective Chief to implement
6 oversight recommendations and to create the culture change from within the police department
7 that is necessary to support lasting reform. The Chief by City Charter is “the chief peace officer
8 of the City, and...shall maintain the peace and quiet of the City.” The City Charter also dictates
9 that the Chief manages SPD and prescribes the Department’s rules and regulations, consistent
10 with law. In performing those duties, the Chief is responsible and accountable to the Mayor and
11 City Council for the administration and management of SPD and is the final decision-maker,
12 subject to appeal rights, in all matters related to misconduct, including discipline. Nothing in this
13 Chapter 3.29 shall be interpreted or applied so as to limit or restrict the responsibilities of the
14 Chief under the City Charter.

15 **3.29.020 Definitions**

16 As used in this Chapter 3.29:

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

19 “Chief” means the Chief of Police.

20 “Council” means the City Council.

21 “CPC” means the Community Police Commission.

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

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

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

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

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

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

5 “OPA” means the Office of Police Accountability.

6 “OPA Manual” means the Office of Police Accountability Internal Operations and
7 Training Manual.

8 “Public safety committee” means the City Council committee responsible for public
9 safety matters.

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

14 “SPD” means the Seattle Police Department.

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

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

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

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

19 **3.29.030 Independent and collaborative oversight**

20 A. OPA, OIG, and CPC have an obligation to exercise independent judgment and
21 offer critical analysis in the performance of their duties under this Chapter 3.29. These oversight
22 entities shall exercise their responsibilities under this Chapter 3.29 without interference from any
23 person, group, or organization, including the Chief, other SPD employees, or other City officials.

1 City employees and agents who violate these provisions may be subject to dismissal, discipline,
2 or censure consistent with City and state laws.

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

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

12 **Subchapter I Office of Police Accountability**

13 **3.29.100 Office of Police Accountability established – Functions and authority**

14 A. There is established an independent Office of Police Accountability to fulfill the
15 purposes set forth in Section 3.29.010.

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

20 C. OPA shall establish and manage processes to initiate, receive, classify, and
21 investigate allegations of police misconduct.

22 D. OPA policies and practices shall be applied uniformly regardless of rank or
23 position.

1 E. OPA complaint processes shall: be fair, impartial, consistent, thorough, timely,
2 understandable, and accessible for the public, employees, and complainants; provide effective
3 solutions; improve SPD standards; help reduce misconduct or policy violations; and enhance
4 employee conduct.

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

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

14 H. OPA shall have the authority to identify systemic problems in SPD policies,
15 training, supervision, and management identified in the course of OPA's investigation of
16 possible misconduct or policy violations, or in the course of OPA's other obligations under this
17 Chapter 3.29.

18 I. OPA shall enhance an SPD culture of police accountability through means
19 including, but not limited to, the following:

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

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

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

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

8 1. Maintaining frequent and regular communications with complainants and
9 named employees about the status of their investigations, including information to complainants
10 about disciplinary appeal and grievance processes and any outcomes that result in the
11 modification of final findings and discipline determinations;

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

16 3. Obtaining information about community perspectives and concerns
17 germane to OPA access and OPA’s oversight responsibilities, including using the expertise of
18 CPC;

19 4. Conducting community outreach to inform the public about the police
20 accountability system and how to access it, in consultation with CPC, and receiving feedback
21 from CPC on issues that surface as a result of the community outreach activities; and

22 5. Providing technical assistance on OPA matters to CPC, as reasonably
23 requested and consistent with the purposes of this Chapter 3.29.

1 **3.29.105 Office of Police Accountability – Independence**

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

7 B. The City shall provide staff and resources that it deems sufficient to enable OPA
8 to perform all of its responsibilities specified in this Chapter 3.29. The OPA Director shall
9 submit an annual budget request to the Mayor. The OPA Director may advocate for resources
10 directly to Councilmembers or the Council during the budget process and throughout the year.

11 C. Only the OPA Director or the OPA Director’s designee shall comment publicly
12 on the specifics of any ongoing OPA investigation.

13 **3.29.110 Office of Police Accountability Director – Qualifications**

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

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

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

1 C. A commitment to the statements of purpose and policies in this Chapter
2 3.29;

3 D. A history of leadership experience;

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

8 F. An understanding of the City's ethnic and socio-economic diversity and
9 proven experience working with and valuing the perspectives of diverse groups and individuals;
10 and

11 G. The ability to carry out the duties of the OPA Director in a manner that
12 reflects sound judgment, independence, fairness, and objectivity in an environment where
13 controversy is common.

14 **3.29.115 Office of Police Accountability Director – Appointment and removal**

15 A. The OPA Director shall be appointed and reappointed in accordance with the
16 process described in this Section 3.29.115. All appointments and reappointments shall be
17 confirmed by a majority vote of the full Council. If the Council does not act within 30 days of
18 notice of an appointment or reappointment, the appointment or reappointment shall be deemed
19 confirmed.

20 B. For appointments, the Mayor shall select from up to three qualified finalists
21 identified by a search committee through a national process using merit-based criteria. CPC
22 Commissioners shall constitute at least 25 percent of the search committee, one of whom shall
23 serve as one of the search committee co-chairs. The Mayor shall either appoint from among the

1 finalists or initiate a new search. The Mayor shall receive input from CPC and the Inspector
2 General prior to reappointments.

3 C. The OPA Director may be appointed and reappointed for up to three four-year
4 terms for a total of 12 years. Each term shall commence on January 1, except that the first OPA
5 Director appointed pursuant to this Chapter 3.29 shall serve an interim term that commences
6 immediately following Council confirmation; the interim term shall not count as a full term for
7 the purposes of calculating term limits under this Section 3.29.115. The first full term shall begin
8 in the first year after the commencement of the Mayor's term of office, to ensure that these terms
9 do not run concurrently. If the OPA Director assumes office mid-term due to a prior vacancy, the
10 OPA Director may complete that term and then be reappointed for up to three four-year
11 subsequent terms.

12 D. Each appointment and reappointment shall be made whenever possible
13 sufficiently prior to the expiration of the incumbent's term of office, or the effective date of an
14 incumbent's resignation, to permit Council action on the appointment or reappointment at least
15 45 days before the expiration of the present term or the effective date of the resignation, so as to
16 increase the likelihood of a seamless transition without a gap in oversight. If the Mayor does not
17 make an appointment or reappointment within 90 days of the first day of the expiration of a term,
18 of a vacancy, or of a rejection by the Council, the public safety committee shall appoint the OPA
19 Director.

20 E. In the event of a vacancy, the Mayor shall designate an interim OPA Director
21 within ten days after the first day of the vacancy to serve until a new OPA Director is appointed.
22 If the Mayor does not designate an interim OPA Director within ten days of the first day of the
23 vacancy, the City Attorney's Office shall provide notice to the Council President and the interim

1 OPA Director shall be designated by the Council President. The interim OPA Director may be
2 either an OPA employee or an individual from outside OPA, but must substantially meet the
3 qualifications of Section 3.29.110. An OPA Director whose term is ending may continue on an
4 interim basis until a successor has been confirmed by a majority vote of the full Council. An
5 interim term shall not count as a full term for the purposes of calculating term limits under this
6 Section 3.29.115.

7 F. To strengthen the independence of the OPA Director, the Mayor may remove the
8 OPA Director from office only for cause, and in accordance with the following provisions:

9 1. The Mayor shall give written notice, specifying the basis for the intended
10 removal, to the OPA Director, the Council President, the Chair of the public safety committee,
11 the Inspector General, the Chief, and the CPC Executive Director.

12 2. Within ten days after receipt of the notice, the OPA Director may file with
13 the Council President and the Chair of the public safety committee a request for a hearing on the
14 cause for removal. The OPA Director's request for a hearing shall be delivered at the same time
15 to the Mayor, the Inspector General, the Chief, and the CPC Executive Director. If such request
16 is made, the Council shall convene a de novo hearing on the cause for removal in the public
17 safety committee not sooner than 30 days and not more than 60 days following the OPA
18 Director's request for a hearing, at which the OPA Director may appear and be heard. The
19 Council shall vote to approve or reject the removal within 30 days of the hearing.

20 3. If no request for a hearing is made, the Council shall vote to approve or
21 reject the removal within 30 days of receiving the Mayor's notice of the intended removal,
22 following input from the Inspector General and CPC.

23 4. A majority vote of the full Council is required to approve removal.

1 G. The Seattle Department of Human Resources shall obtain from an outside law
2 enforcement agency a thorough background check of the Mayor's nominees for OPA Director,
3 including records of arrest, charges, or allegations of criminal conduct or other nonconviction
4 data for the purpose of determining the individual's fitness to perform the duties of OPA
5 Director, and report the results to the Mayor, prior to submittal of the nomination to the Council
6 for confirmation.

7 H. The Mayor shall be responsible for the performance evaluation of the OPA
8 Director, and shall seek the input of the public, Council, City Attorney, OIG, Chief, SPD
9 employees, and CPC. CPC shall provide input in accordance with subsection 3.29.360.M.

10 **3.29.120 Office of Police Accountability Director – Authority and responsibility**

11 The OPA Director shall have the authority and responsibility to:

12 A. Manage all functions and responsibilities of OPA.

13 B. Hire, supervise, and discharge OPA civilian staff, and supervise and transfer out
14 of OPA any sworn staff assigned to OPA. OPA staff shall collectively have the requisite
15 credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in this
16 Chapter 3.29.

17 C. Manage the complaint process so that all complaints of police misconduct or
18 policy violations are initiated, received, referred, classified, investigated, and appropriately
19 resolved.

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

1 with CPC and OIG, make and maintain a fair and effective mediation program and a fair and
2 effective Rapid Adjudication process.

3 E. Ensure OPA policies and practices are detailed in, and in compliance with, the
4 OPA Manual, which shall be updated at least annually. Such updates shall be done in accordance
5 with a process established by the OPA Director that provides for consultation and input by OIG
6 and CPC prior to final adoption of any updates.

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

13 G. Comply with all OPA deadlines, including investigation deadlines.

14 H. Work with OIG, SPD, CPC, and the City Attorney's Office to help reduce or
15 prevent misconduct through identification of patterns or trends arising through complaints,
16 investigations, and lawsuits.

17 I. Be present at the scene of all SPD officer-involved shootings and other serious
18 use of force incidents pursuant to its duties set forth in Section 3.29.125 or designate OPA staff
19 members to do so.

20 J. Conduct administrative investigations in compliance with the OPA Manual and
21 the purposes of this Chapter 3.29. Ensure that investigators and investigative supervisors receive
22 orientation and training when they begin working at OPA, including on administrative
23 investigations, commensurate with their duties.

1 K. Consult with CPC regularly to ensure that OPA materials are readily
2 understandable and that informational materials are culturally and linguistically appropriate and
3 widely available to Seattle’s diverse residents both in English and in translation.

4 L. Collaborate with the Chief, other SPD leadership, and OIG to strengthen the
5 involvement of supervisory personnel in the accountability system to enhance a culture of
6 accountability throughout SPD.

7 M. Provide input to the Council on the performance of the Inspector General in
8 advance of the Council’s performance evaluation of the Inspector General.

9 **3.29.125 Office of Police Accountability – Classifications and investigations**

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

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

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

1 D. OPA representatives shall have access to any incident scene as necessary to
2 ascertain and assess whether possible violations of SPD policies may have occurred. Following
3 such incidents, OPA representatives may attend and participate in any SPD administrative
4 investigation unit interviews or meetings held to review Force Investigation Team information or
5 discuss the incident, and may at that time identify any areas of concern related to possible
6 violations of SPD policies. OPA may participate in SPD administrative investigation unit
7 interviews or meetings of any other incident, at the OPA Director's discretion.

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

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

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

5 H. Consistent with subsection 3.29.240.D, the OPA Director shall establish in the
6 OPA Manual a protocol for referral to OIG for classification and appropriate complaint-
7 handling, such as Supervisor Action, investigation, or alternative resolution, any complaints
8 involving OPA staff that cannot be handled within OPA due to a potential conflict of interest.

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

13 **3.29.130 Office of Police Accountability – Classification and investigation timelines**

14 A. OPA shall notify named employees, the Captain or equivalent of the named
15 employees, and the bargaining unit of the named employees within 30 days of receiving directly
16 or by referral a complaint of possible misconduct or policy violation. The notice shall by default
17 not include the name and address of the complainant, unless the complainant gives OPA written
18 consent for disclosure after OPA communicates to the complainant a full explanation of the
19 potential consequences of disclosure. The notice shall confirm the complaint and enumerate
20 allegations that allow the named employees to begin to prepare for the OPA investigation;
21 however, if OPA subsequently identifies additional allegations not listed in the 30-day notice,
22 these may also be addressed in the investigation.

1 B. The time period in which investigations must be completed by OPA is 180 days.
2 The time period begins on the date OPA initiates or receives a complaint. The time period ends
3 on the date the OPA Director issues proposed findings.

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

9 D. If an SPD employee fails to timely refer a complaint to OPA the failure to refer
10 shall also constitute misconduct subject to complaint and investigation, and discipline under this
11 Chapter 3.29 and the authority of the Chief. OPA shall initiate a complaint and investigation of
12 such failure to timely refer.

13 E. If an OPA interview of a named or witness employee must be postponed due to
14 the unavailability of the interviewee or the interviewee's labor representative, the additional
15 number of days needed to accommodate the schedule of the employee or the employee's
16 bargaining representative shall not be counted as part of the 180-day investigation period.

17 F. If the OPA Director position becomes vacant due to unforeseen exigent
18 circumstances, the 180-day period shall be extended by 60 days to permit the designation of an
19 interim OPA Director and the initiation of the appointment process for a permanent OPA
20 Director.

21 G. In cases involving possible criminal actions, if an OPA administrative
22 investigation is not commenced or is paused due to a criminal investigation, that time shall not
23 be counted as part of the 180-day investigation period, and shall be documented in an

1 administrative intake or investigation follow-up log in the investigation file. The OPA
2 administrative investigation shall be paused as long as is necessary so that neither the OPA
3 administrative nor the criminal investigation of the same incident is compromised. The 180-day
4 clock shall resume whenever any administrative investigation steps are taken by OPA.

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

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

1 J. If further investigation is initiated because new information is brought forward
2 during an OPA interview or a due process hearing, or because of any additional investigation
3 directed by OIG, the 180-day investigation time period shall be extended by 60 days.

4 **3.29.135 Office of Police Accountability—Explanations of certain complaint dispositions**

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

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

20 C. If an investigation time limit as set forth in Section 3.29.130 has been exceeded,
21 within 30 days of the final certification of the investigation by the OPA Director, the OPA
22 Director shall make a written statement of the nature of the allegations in the complaint and the
23 reason or reasons why the time limit was exceeded. This requirement applies whether the OPA

1 Director recommended the complaint be sustained, not sustained, or declined to make a
2 recommendation because the time limit had been exceeded. The written statement shall be
3 included in the OPA case file and provided to the Mayor, the Council President and the Chair of
4 the public safety committee, the City Attorney, the Inspector General, and the CPC Executive
5 Director, and included in a communication with the complainant and the public.

6 D. The written statements required by this Section 3.29.135 shall not identify named
7 employees or divulge personal information about named employees or anyone else involved in
8 the complaint and shall be subject to any applicable disclosure limitations in state or federal law.
9 The statements shall not affect any discipline decisions; the Chief remains the final SPD
10 decision-maker in disciplinary actions.

11 E. The OPA Director shall include summaries of the written statements required by
12 this Section 3.29.135 in the OPA Director's annual report. The summaries shall be consistent
13 with any applicable confidentiality requirements in state or federal law.

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

16 **3.29.140 Office of Police Accountability – Staffing**

17 A. The OPA Director and the Deputy Director shall be civilians and, within 18
18 months of the effective date of the ordinance introduced as Council Bill 118969, all investigative
19 supervisors shall be civilian.

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

22 C. Within 12 months of the effective date of the ordinance introduced as Council Bill
23 118969, intake and investigator personnel shall be entirely civilian or a mix of civilian and

1 sworn, in whatever staffing configuration best provides for continuity, flexibility, leadership
2 opportunity, and specialized expertise, and supports public trust in the complaint-handling
3 process.

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

8 E. The OPA Director and the Chief shall collaborate with the goal that the rotations
9 of sworn staff into and out of OPA are done in such a way as to maintain continuity and
10 expertise, professionalism, orderly case management, and the operational effectiveness of both
11 OPA and SPD, pursuant to subsection 3.29.430.G.

12 F. The appropriate level of civilianization of OPA intake and investigator personnel
13 shall be evaluated by OIG pursuant to Section 3.29.240.

14 G. OPA investigators and investigative supervisors shall receive training by
15 professional instructors outside SPD in best practices in administrative and police practices
16 investigations. OPA investigators and investigative supervisors shall also receive in-house
17 training on current SPD and OPA policies and procedures.

18 **3.29.145 Office of Police Accountability – Reporting**

19 A. OPA shall maintain a website consistent with City Information Technology
20 standards. OPA's website shall contain its OPA Manual and comprehensive, substantive, and
21 timely information on matters of public interest concerning SPD's accountability system,
22 including information about OIG and CPC and links to their websites.

1 B. OPA shall post online, in a timely manner, summaries of completed
2 investigations, including the allegations, analysis, and findings. OPA shall post on its website
3 and distribute, by electronic subscription, a compilation of completed investigation summaries
4 from the prior quarter, noting any investigations for which discipline has been appealed.

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

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

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

20 F. The OPA Director shall produce annual reports that are readily understandable
21 and useful to policymakers. The annual report shall describe the work of OPA in fulfilling
22 OPA's purpose, duties, and responsibilities detailed in this Chapter 3.29. The report shall include
23 OPA Director recommendations for changes in policies and practices, collective bargaining

1 agreements, City ordinances, and state law, and summarize the implementation status of any
2 previous OPA recommendations, and, for any that have not been implemented, the reasons. The
3 annual report shall also summarize information received from community outreach that has
4 informed OPA's work. The annual report shall be posted online and electronically distributed to
5 the Mayor, City Attorney, Council, Chief, Inspector General, and CPC, as well as to the City
6 Clerk for filing as a public record.

7 The annual report shall also include, but not be limited to, the following statistics and
8 information:

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

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

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

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

19 5. The number and percentage of all complaints and allegations not
20 sustained, and the categorization of all not sustained findings, e.g., unfounded, inconclusive, or
21 lawful and proper;

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

4 7. The precinct, sector, and shift distribution of incidents underlying
5 complaints;

6 8. The racial, ethnic, gender, and geographic distributions of complainants,
7 to the extent this information is provided voluntarily by complainants;

8 9. The racial, ethnic, gender, assignment, shift, and service seniority
9 distributions of named employees who are subjects of complaints;

10 10. The number of named employees who have received two or more
11 sustained complaints within one year;

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

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

20 G. The OPA Director shall make available to OIG and CPC information necessary
21 for their respective functions set forth in this Chapter 3.29, in a timeframe allowing for the timely
22 performance of their duties.

1 **3.29.150 Office of Police Accountability – Confidentiality of files and records**

2 Consistent with federal and state law, including the Criminal Records Privacy Act, chapter 10.97
3 RCW, as well as relevant collective bargaining agreements, the OPA Director shall protect from
4 disclosure confidential, non-public OPA and SPD files and records to which OPA has been
5 provided access. The OPA Director shall not identify the named employee in an OPA
6 investigation in any public report required by this Chapter 3.29.

7 **Subchapter II Office of Inspector General for Public Safety**

8 **3.29.200 Office of Inspector General for Public Safety established – Functions and**
9 **authority**

10 A. There is established an independent Office of Inspector General for Public Safety
11 (OIG) to fulfill the purposes set forth in Section 3.29.010.

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

14 C. There shall be a civilian Deputy Inspector General to perform such duties and
15 have such powers as the Inspector General may prescribe and delegate to fulfill and effectively
16 manage the duties set forth in this Subchapter II, including acting on behalf of the Inspector
17 General when necessary. The Inspector General shall obtain from an outside law enforcement
18 agency a thorough background check of the Deputy Inspector General, including records of
19 arrest, charges, or allegations of criminal conduct or other nonconviction data for the purpose of
20 determining the individual’s fitness to perform the duties of the Inspector General, prior to the
21 Deputy Inspector General’s appointment to the position, as well as of any staff who will have
22 access to confidential OPA classification, OPA investigation, or Police Intelligence Auditor
23 information.

1 D. OIG oversight activities shall objectively ensure the ongoing integrity of SPD
2 processes and operations and that SPD is meeting its mission to address crime and improve
3 quality of life through the delivery of constitutional, professional, and effective police services,
4 and meeting its mission in a way that reflects the values of Seattle’s diverse communities.

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

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

12 G. OIG may also conduct audits and reviews for any areas that may (a) involve
13 potential conflicts of interest; (b) involve possible fraud, waste, abuse, inefficiency, or
14 ineffectiveness; (c) undermine accountability or be unethical; or (d) otherwise compromise the
15 public’s trust in the police or the criminal justice system.

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

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

20 1. Collaborating with the Chief, the OPA Director, and other SPD leadership
21 to strengthen the involvement of supervisory personnel in the accountability system;

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

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

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

8 1. Obtaining information about community perspectives and concerns
9 germane to OIG’s oversight responsibilities, including using the expertise of CPC;

10 2. Conducting community outreach to inform the public about OIG’s role
11 and scope of responsibilities, in consultation with CPC, and receiving feedback from CPC on
12 issues surfaced as a result of its community outreach activities;

13 3. Consulting with CPC regularly to ensure that OIG materials are readily
14 understandable, and that informational materials are culturally and linguistically appropriate and
15 widely available to Seattle’s diverse residents both in English and in translation;

16 4. Providing technical assistance on OIG matters to CPC, as reasonably
17 requested and consistent with the purposes of this Chapter 3.29; and

18 5. Maintaining and promoting use of a hotline and other technologies to
19 receive anonymous reports from the public and City employees regarding matters germane to
20 this Chapter 3.29.

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

1 **3.29.210 Office of Inspector General for Public Safety – Independence**

2 A. The City shall provide staff and resources that it deems sufficient to enable OIG
3 to perform all of its responsibilities specified in this Chapter 3.29. The Inspector General shall
4 submit an annual budget request to the Mayor. The OIG budget shall be appropriated in a Budget
5 Control Level that is independent of any other City department. The Inspector General may
6 advocate for resources directly to Councilmembers or the Council during the budget process and
7 throughout the year.

8 B. Except as prohibited by law, OIG shall have timely, full, and direct access to all
9 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other
10 City departments and offices that are necessary to perform its duties set forth in this Chapter
11 3.29. Should any City department decline to provide OIG access to documents or data, the
12 declining department shall provide the Inspector General with an itemization describing the
13 documents or data withheld and the legal basis for withholding access to each item.

14 C. OIG shall have authority to observe reviews, meetings, and trainings, such as SPD
15 administrative investigation unit meetings, disciplinary hearings, or discussions of misconduct
16 complaint investigations.

17 **3.29.220 Office of Inspector General for Public Safety – Qualifications**

18 The Inspector General shall be a civilian with a background in criminal, civil rights, labor law,
19 governmental investigations, and/or the management of governmental auditing; shall not be
20 required to have law enforcement experience; and shall not have been formerly employed by
21 SPD as a sworn officer. The Inspector General shall have a demonstrated ability to lead and
22 manage staff in auditing, evaluating, and conducting investigations; conducting financial and
23 performance audits; analyzing and assessing complex aggregate data for patterns and trends; and

1 in recommending systemic improvements to policies and practices to support constitutional
2 policing, ongoing system effectiveness, and police excellence. The Inspector General should also
3 have the following additional qualifications and characteristics:

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

6 B. A commitment to the need for and responsibilities of law enforcement, including
7 enforcement, community care-taking, and the need to protect the constitutional rights of all
8 affected parties;

9 C. A commitment to the statements of purpose and policies in this Chapter 3.29;

10 D. A history of leadership experience;

11 E. The ability to relate, communicate, and engage effectively with all who have a
12 stake in policing, including, but not limited to, the general public, complainants, disenfranchised
13 communities, SPD employees, and relevant City and other officials including the Mayor,
14 Council, City Attorney, Chief, OPA Director, and CPC;

15 F. An understanding of the city’s ethnic and socio-economic diversity, and proven
16 experience working with and valuing the perspectives of diverse groups and individuals; and

17 G. The ability to exercise sound judgment, independence, fairness, and objectivity in
18 an environment where controversy is common.

19 **3.29.230 Office of Inspector General for Public Safety – Appointment and removal**

20 A. The Inspector General shall be appointed and reappointed in accordance with the
21 process described in this Section 3.29.230. All appointees and reappointments shall be confirmed
22 by a majority vote of the full Council. If the Council does not act within 30 days of notice of an
23 appointment or reappointment, the appointment or reappointment shall be deemed confirmed.

1 B. For appointments, the public safety committee shall select from up to three
2 qualified finalists identified by a search committee through a national process using merit-based
3 criteria. CPC Commissioners shall constitute at least 25 percent of the search committee, one of
4 whom shall serve as one of the search committee co-chairs. The public safety committee shall
5 either appoint from among the finalists or initiate a new search. The public safety committee
6 shall receive input from CPC and the OPA Director prior to reappointments.

7 C. The Inspector General may be appointed and reappointed for up to two six-year
8 terms for a total of 12 years. Each term shall commence on January 1, except that the first
9 Inspector General appointed pursuant to this Chapter 3.29 shall serve an interim term that
10 commences immediately following Council confirmation; the interim term shall not count as a
11 full term for the purposes of calculating term limits under this Section 3.29.230. The first full
12 term shall begin in the first year after the commencement of the OPA Director's term of office,
13 to ensure that these terms do not run concurrently. Each appointment and reappointment shall be
14 made whenever possible sufficiently prior to the expiration of the latest incumbent's term of
15 office, or the effective date of an incumbent's resignation, permitting Council action on the
16 appointment or reappointment at least 45 days before the expiration of the present term or the
17 effective date of the resignation, so as to increase the likelihood of a seamless transition without
18 a gap in oversight. If the public safety committee does not make an appointment or
19 reappointment within 90 days of the first day of the expiration of a term, of a vacancy, or of
20 Council rejection of the committee's appointee, the Mayor shall appoint the Inspector General.

21 D. In the event of a vacancy, the Council President shall designate an interim
22 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector
23 General is appointed. If the Council President does not designate an interim Inspector General

1 within ten days of the first day of the vacancy, the City Attorney's Office shall provide notice to
2 the Mayor and the interim Inspector General shall be designated by the Mayor. The interim
3 Inspector General may be either an OIG employee or an individual from outside OIG, but must
4 substantially meet the qualifications in Section 3.29.220. An Inspector General whose term is
5 ending may continue on an interim basis until a successor has been confirmed by the Council.
6 An interim term shall not count as a full term for the purposes of calculating term limits under
7 this Section 3.29.230.

8 E. To strengthen the independence of the Inspector General, the Council may
9 remove the Inspector General from office only for cause, and in accordance with the following
10 provisions:

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

14 2. Within ten days after receipt of the notice, the Inspector General may file
15 with the Council President and the Chair of the public safety committee a request for a hearing
16 on the cause for removal. The Inspector General's request for a hearing shall be delivered at the
17 same time to the Mayor, the OPA Director, the Chief, and the CPC Executive Director. If such
18 request is made, the Council shall convene a hearing on the cause for removal in the public
19 safety committee not sooner than 30 days and not more than 60 days following the Inspector
20 General's request for a hearing, at which the Inspector General may appear and be heard. The
21 Council shall vote to approve or reject the removal within 30 days of the hearing.

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

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

5 F. The Seattle Department of Human Resources shall obtain from an outside law
6 enforcement agency a thorough background check of nominees for Inspector General, including
7 records of arrest, charges, or allegations of criminal conduct or other nonconviction data for the
8 purpose of determining the individuals' fitness to perform the duties of Inspector General, and
9 report the results to the appointing authority, prior to the Council taking final action on the
10 appointment.

11 G. The Council shall be responsible for the performance evaluation of the Inspector
12 General and shall seek the input of the public, Mayor, City Attorney, Chief, OPA Director, other
13 SPD employees, and CPC. CPC shall provide input in accordance with subsection 3.29.360.N.

14 **3.29.240 Office of Inspector General for Public Safety – Inspector General – Authority and**
15 **responsibility**

16 The Inspector General shall have the authority and responsibility to:

17 A. Manage all functions and responsibilities of OIG.

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

21 C. Review OPA and SPD handling of allegations of misconduct, including directing
22 audits and reviews of OPA classifications and investigations, directing any additional OPA
23 investigation, and making certification determinations on OPA investigations.

1 D. Handle misconduct complaints involving OPA staff where a potential conflict of
2 interest precludes OPA from handling the complaint.

3 E. Perform the police intelligence auditor functions defined in Chapter 14.12.

4 F. Create OIG's annual workplan, in consultation with OPA, CPC, and the Chair of
5 the public safety committee, and transmit a copy to the Council by January 1. The Inspector
6 General's annual workplan shall identify all workplan recommendations from OPA and CPC.
7 The Inspector General's annual workplan shall also identify which of those recommendations
8 were accepted, which were declined, and provide the reason for any declined recommendations.
9 The Inspector General may modify the OIG workplan during the year to accommodate emergent
10 issues, but in doing so, shall take into account budget constraints of OIG and its need to balance
11 a range of priorities in adding areas to its workplan.

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

18 1. The Inspector General or OIG representatives designated by the
19 Inspector General, shall have access to any incident scene related to OIG's authority as set forth
20 in this Chapter 3.29.

21 2. OIG representatives may also attend and participate in SPD
22 administrative investigation unit interviews and meetings held to review Force Investigation
23 Team information or discuss any incidents.

1 3. Whether at the scene of an incident or in subsequent SPD
2 administrative investigation unit interviews or meetings concerning any incident, OIG
3 representatives may identify areas of concern related to OIG’s authority as set forth in this
4 Chapter 3.29.

5 H. Monitor the implementation by SPD, OPA, City elected officials, and other City
6 departments and offices of recommendations made by the Inspector General, the OPA Director,
7 and CPC.

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

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

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

21 L. Provide input to the Mayor on the performance of the OPA Director in advance of
22 the Mayor’s performance evaluation of the OPA Director.

23 **3.29.250 Office of Inspector General for Public Safety – Review of OPA classifications**

1 A. OIG shall conduct audits of random samples of classifications of all misconduct
2 complaints from the prior quarter to validate that OPA classifications were appropriately
3 assigned for OPA investigation, Supervisor Action, or an alternative resolution, and that
4 allegations and employees associated with the complaints were properly identified.

5 B. In conducting the quarterly audits, if the Inspector General determines that further
6 review of classifications is warranted, the Inspector General may instead require that the OPA
7 Director submit each proposed classification decision to OIG for review and input prior to OPA
8 making a final classification determination, until such time as OIG determines that review of
9 each classification is no longer needed.

10 **3.29.260 Office of Inspector General for Public Safety – Review of OPA investigations**

11 A. OIG shall review certain OPA investigations as described below prior to
12 certification by the OPA Director to determine whether the investigation should be certified by
13 the OIG as thorough, timely, and objective.

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

21 2. Additionally, OIG shall have discretion to direct at the time of
22 classification or during the investigative process that any other investigation not including the
23 allegations listed in subsection 3.29.260.A.1 be submitted by OPA for review and certification.

1 3. Other than investigations that involve Type III Force as defined in SPD
2 policy, if OIG determines that the quality of investigations is such that individual review of
3 investigations is no longer needed, OIG may instead require the OPA Director to submit only
4 certain investigations or certain categories of investigation for review by OIG and otherwise
5 conduct random investigation audits. Should those audits raise concerns, OIG shall have the
6 discretion to reinstitute individual investigation review in whatever manner and duration is
7 needed to address the concerns.

8 B. The OPA Director shall submit all required or requested initial and subsequent
9 investigations to OIG for OIG's review sufficiently in advance of investigation deadlines in
10 order to allow the deadlines to be met in the event OIG directs additional investigation. OIG
11 shall complete its review of initial and subsequent investigations in a timely manner, so as to also
12 meet investigation deadlines.

13 C. If OIG determines that the investigation is thorough, timely, and objective, OIG
14 shall certify the investigation. After such certification, the OPA Director shall issue
15 recommended findings to the Chief.

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

20 E. If additional investigation is requested by the Chief after a due process hearing,
21 the case shall be re-submitted to OIG for re-certification following the additional investigation.

22 F. After reviewing the investigation, OIG shall document in writing the investigation
23 as (a) certified as thorough, timely, and objective; (b) not certified because the investigation is

1 not thorough, timely, and objective but additional investigation is not requested or directed, and
2 the reason; or (c) not certified because the investigation is not thorough and objective, along with
3 any requested or directed further investigation to be conducted by OPA or a request to meet with
4 the OPA Director to discuss possible further investigation.

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

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

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

21 H. If OIG determines an investigation is not thorough, timely, or objective, and that
22 additional investigation cannot or did not remedy the concern, the OPA Director must include

1 this determination in the recommended findings and the Chief may take OIG’s non-certification
2 into account in making a final findings determination.

3 **3.29.270 Office of Inspector General for Public Safety – Audits, reviews and reporting**

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

- 10 1. All SPD and OPA policies, regulations, practices, budgets, and consultant
11 contracts;
- 12 2. SPD administrative investigation unit processes, such as force review and
13 collision review;
- 14 3. SPD crime data and SPD’s overall crime data collection and reporting
15 practices;
- 16 4. Recruitment, hiring, post-Academy and in-service training, promotions,
17 assignments, use of overtime, secondary employment, deployment, and supervision, including
18 command and front-line supervisory functions;
- 19 5. The effectiveness of any early intervention or performance mentoring
20 system in supporting improved officer performance and mitigating misconduct;
- 21 6. Technology and systems of data collection, management, and analysis;
- 22 7. The acquisition of, uses, and significant changes to tactical equipment,
23 vehicles, facilities, and uniforms;

1 8. The accuracy and thoroughness of video recording reviews and the
2 appropriate recording and retention of video recordings;

3 9. Patterns, including disparate impacts, in SPD deployment, uses of force,
4 re-classifications of levels and types of force; stops, arrests, searches, and interactions with those
5 in behavioral crisis;

6 10. Incidents of significant concern to the public, such as those involving
7 injury or death in police custody or the management of demonstrations;

8 11. Patterns in complaints and misconduct outcomes involving, among other
9 categories, use of force and biased policing;

10 12. Assessment of the fairness, objectivity, certainty, timeliness, consistency,
11 and the appropriate application and effectiveness of imposed discipline in sustained misconduct
12 cases;

13 13. Evaluation of the final outcomes of appeals and grievances and whether
14 overturned findings or discipline, or other settlements, suggest opportunities to improve OPA
15 processes and SPD training;

16 14. Assessment of inquests, federal and local litigation, and their final
17 outcomes, patterns relating to civil claims and lawsuits alleging SPD misconduct, payout
18 amounts over time, units disproportionately represented as subjects of claims and lawsuits,
19 related training, and review of the investigation of the underlying incidents described in such
20 claims and lawsuits; and

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

1 B. OIG shall maintain a website, consistent with City Information Technology
2 standards.

3 C. In partnership with CPC, OIG shall periodically evaluate and issue reports on how
4 effective SPD's processes are in meeting community needs for a diverse work force, including
5 the relevance of traditional disqualifying factors and the speed of the hiring process, to assess if
6 there are unfair impediments to hiring and retaining diverse and skilled officers.

7 D. The Inspector General shall produce annual reports that are readily
8 understandable and useful to policymakers. The annual report shall include, but not be limited to,
9 the following:

10 1. A summary of OIG's audit and review activities for the previous year;

11 2. An evaluation of the extent to which the purposes, duties, and
12 responsibilities detailed in this Chapter 3.29 have been met by the responsible entities;

13 3. A description of the work of OIG in fulfilling OIG's purpose, duties, and
14 responsibilities detailed in this Chapter 3.29;

15 4. Inspector General recommendations for changes in policies and practices,
16 collective bargaining agreements, City ordinances, and state laws;

17 5. A summary of the implementation status of any previous OIG
18 recommendations, and for any that have not been implemented, the reasons;

19 6. A summary of OIG's review and the outcome of SPD reviews for officer-
20 involved shootings, in-custody deaths, and any other cases of significant public concern;

21 7. An analysis of any patterns and trends of disproportionality or other
22 concerns compared to previous years, including from review of inquests, claims and lawsuits
23 alleging SPD misconduct;

1 8. The outcome of reviews of successful practices in other jurisdictions, and
2 any associated OIG recommendations, including for changes in the mix of OPA sworn and
3 civilian staff;

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

6 10. A summary of OIG’s review of OPA’s complaint handling system,
7 including at a minimum:

8 a. The number of investigations reviewed;

9 b. A general description of the complaints and cases reviewed by
10 OIG;

11 c. A description of OPA’s follow-up for those cases which OIG did
12 not certify and those cases for which OIG requested or required further investigation;

13 d. A review of cases not investigated by OPA, including Contact
14 Logs, Supervisor Action referrals, mediation, Rapid Adjudication, Management Actions and
15 Training Referrals; and

16 e. A description of any concerns or trends noted in OPA complaint
17 intake and investigations.

18 E. The Inspector General shall deliver a preliminary draft of the reports to the Chief,
19 the OPA Director, CPC Executive Director, or other City directors, when any of their
20 departments or offices is the subject of the report, for review and comment. They shall review
21 and comment on the preliminary report to the Inspector General within ten days after receipt of
22 the report. They shall not release or distribute the report to others during the review period. The
23 Inspector General shall then issue the final report within ten days after receipt of any comments.

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

4 **3.29.280 Office of Inspector General for Public Safety – Files and records**

5 A. Consistent with federal and state law, including the Criminal Records Privacy
6 Act, chapter 10.97 RCW, as well as relevant collective bargaining agreements, the Inspector
7 General shall protect from disclosure confidential, non-public OPA, SPD, and City files and
8 records to which OIG has been provided access. The Inspector General shall not identify the
9 named employee in an OPA investigation in any public report required by this Chapter 3.29.

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

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

15 **Subchapter III Community Police Commission**

16 **3.29.300 Community Police Commission established – Functions and authority**

17 A. One of the cornerstones of effective oversight of law enforcement is community
18 involvement. The Community Police Commission is established to fulfill the purposes set forth
19 in Section 3.29.010.

20 B. CPC was originally established by ordinance with responsibilities under the
21 Consent Decree between The City of Seattle and the United States Department of Justice. The
22 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in
23 this Chapter 3.29. It is the City’s intention that civilian oversight be enhanced and broadened

1 beyond the scope set forth in the Consent Decree in order to better serve the public. To the extent
2 not otherwise covered by this Chapter 3.29, CPC shall continue to fulfill the responsibilities of
3 CPC as set forth in the Consent Decree and Memorandum of Understanding in *United States of*
4 *America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent Decree ends. Until
5 such time as the Consent Decree ends, CPC shall prioritize these ongoing responsibilities over
6 any additional responsibilities set forth in this Chapter 3.29.

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

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

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

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

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

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

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

7 **3.29.310 Office of the Community Police Commission – Established**

8 There is established an Office of the CPC. The purpose of the Office of the CPC is to
9 administer and manage the functions of CPC.

10 **3.29.320 Office of the Community Police Commission – Executive Director**

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

15 B. Executive Director – Appointment

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

20 2. Each Executive Director’s initial appointment is subject to confirmation
21 by the Council. Reappointment of an Executive Director to successive terms by CPC is not
22 subject to Council confirmation. If an individual who previously served as Executive Director is

1 again appointed after a different individual was confirmed as the Executive Director by the
2 Council that new appointment is subject to Council confirmation as an initial appointment.

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

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

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

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

17 D. The Executive Director shall have the authority and responsibility to:

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

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

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

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

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

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

13 **3.29.330 Community Police Commission – Independence**

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

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

19 C. The City shall provide staff and resources that it deems sufficient to enable CPC
20 to perform all of its responsibilities specified in this Chapter 3.29. The CPC Executive Director
21 shall submit an annual budget request to the Mayor. The Office of the CPC budget shall be
22 appropriated in a Budget Control Level that is independent of any other City department. CPC

1 Commissioners and the CPC Executive Director may advocate for resources directly to
2 Councilmembers or the Council during the budget process and throughout the year.

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

7 **3.29.340 Community Police Commission – Qualifications**

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

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

19 C. Individual Commissioners shall have expertise in law enforcement; law
20 enforcement oversight; police accountability; human resources; community engagement;
21 organizational change; constitutional, criminal, or labor law; social justice; training; or other
22 disciplines important to CPC’s work. Altogether, there shall be a balance that allows CPC as a
23 whole to benefit from the knowledge and expertise of its individual members.

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

8 E. All Commissioners shall have the following qualifications and characteristics:

9 1. A reputation for integrity and professionalism, and the ability to be
10 effective in a board or commission role;

11 2. A commitment to the need for and responsibilities of law enforcement,
12 including enforcement, community care-taking, and the need to protect the constitutional rights
13 of all affected parties;

14 3. A commitment to the statements of purpose and policies in this Chapter
15 3.29;

16 4. A history of leadership experience or deep roots in communities
17 represented;

18 5. The ability to relate, communicate, and engage effectively with all who
19 have a stake in policing, including, but not limited to, the general public, complainants,
20 disenfranchised communities, SPD employees, and relevant City and other officials including the

1 Mayor, Council, City Attorney, Chief, OPA Director, Inspector General, and other CPC
2 members;

3 6. An understanding of the city’s ethnic and socioeconomic diversity, and
4 proven experience working with and valuing the perspectives of diverse groups and individuals;
5 and

6 7. The ability to exercise sound judgment, independence, fairness, and
7 objectivity in an environment where controversy is common.

8 **3.29.350 Community Police Commission – Appointment, removal, and compensation**

9 A. CPC shall consist of 21 Commissioners, appointed and reappointed as set forth in
10 this Chapter 3.29. The Mayor shall select seven Commissioners, the Council shall select seven
11 Commissioners, and CPC shall select seven Commissioners, including the public defense
12 representative, the civil liberties law representative, and the SPOG and SPMA representatives.

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

21 C. Commissioners in position numbers 1, 4, 7, 10, 13, 16, and 19 shall be appointed,
22 and where applicable, reappointed by the Mayor. Commissioners in position numbers 2, 5, 8, 11,
23 14, 17, and 20 shall be appointed, and where applicable, reappointed by the Council.

1 Commissioners in position numbers 3, 6, 9, 12, 15, 18, and 21 shall be appointed, and where
2 applicable, reappointed by CPC. Position number 3 shall be designated for the public defense
3 representative; position number 6 shall be designated for the civil liberties law representative;
4 position number 15 shall be designated for the SPOG representative; and position number 18
5 shall be designated for the SPMA representative.

6 D. All CPC Commissioners shall be eligible to serve a maximum of three three-year
7 terms, with each term commencing on January 1, except for the first term under this Section
8 3.29.350 which will begin at the time of their confirmation following enactment of Council Bill
9 118969. All terms shall be staggered so that no more than seven Commissioners' terms expire in
10 any given year. If a Commissioner assumes office prior to the expiration of the term of the
11 Commissioner's predecessor, the Commissioner may complete that term and then be reappointed
12 for up to three three-year subsequent terms.

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

21 F. To strengthen the independence of CPC, Commissioners may be removed from
22 office by the appointing authority only for cause. By a three-quarters vote of its membership,

1 CPC may approve removal of Commissioners appointed by CPC. A majority vote of the full
2 Council is required to confirm the removal of any Commissioner.

3 G. Commissioners shall be compensated, if at all, as provided by ordinance.

4 **Section 39.**

5 A. By July 1, 2017, each presently serving Commissioner of the CPC created by the
6 Consent Decree and Stipulated Order of Resolution Between the United States of America and
7 The City of Seattle (Consent Decree CPC) who wishes to serve on CPC as established by
8 Chapter 3.29 of the Seattle Municipal Code (CPC) shall submit a written statement to the Mayor,
9 the Council President, and the CPC Executive Director indicating that the Commissioner wishes
10 to serve on CPC. In order to determine the extent of gaps in meeting the desired mix of
11 Commissioners, the written statement shall include a description of how the Commissioner
12 meets the qualifications in Section 3.29.340 of the Seattle Municipal Code; a list of all Council
13 districts in which the Commissioner lives, works, or has significant professional or civic ties in
14 furtherance of subsection 3.29.360.B of the Seattle Municipal Code; and whether the
15 Commissioner is a lawyer with public defender or civil liberties expertise, or a member of SPOG
16 or SPMA.

17 B. By September 1, 2017, the City Attorney or a designee of the City Attorney shall,
18 in a CPC meeting, draw numbers to determine the position number for each Commissioner who
19 indicated a wish to continue to serve, excluding those designated as public defender and/or civil
20 liberties law and SPOG and SPMA representatives. The pool of numbers from which to draw
21 shall include 1, 2, 4, 5, 7, 8, 9, and 10.

22 C. The term for position numbers 1 through 5 ends on December 31, 2017; the term
23 for position numbers 6 through 10 and 18 ends on December 31, 2018; and the term for position

1 numbers 11 through 13 and 15 ends on December 31, 2019. Continuing Commissioners may be
2 reappointed to a maximum of one subsequent three-year term after the expiration of this term.
3 The term of any presently serving Commissioner who chooses not to serve on CPC shall
4 terminate on the effective date of the ordinance introduced as Council Bill 118969.

5 D. Continuing Commissioners shall retain the position numbers established by
6 Section 3.29.350 of the Seattle Municipal Code and each subsequent Commissioner
7 corresponding to such position number shall be appointed and, where applicable, reappointed by
8 the appointing authority designated for that position.

9 **3.29.360 Community Police Commission – Authority and responsibility**

10 CPC shall have the authority and responsibility to:

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

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

21 C. Convene an annual meeting to receive public comments and present to the
22 community highlights of CPC’s annual report.

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

3 E. Monitor the implementation by SPD, OPA, City elected officials, and other City
4 departments and offices of recommendations made by the Inspector General, the OPA Director,
5 and CPC.

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

8 G. Pursuant to subsection 3.29.240.F, annually review OIG's workplan and
9 recommend to the Inspector General specific areas for OIG investigation and evaluation,
10 including emergent issues that arise that in CPC's judgment are needed to support public
11 confidence in SPD and related criminal justice practices.

12 H. Review closed OPA investigations to identify opportunities for systemic
13 improvements in accordance with Section 3.29.380. However, CPC shall not serve as a review
14 board for individual investigations; shall not evaluate or opine on the sufficiency of the evidence,
15 findings, or determinations of any specific OPA investigations; and shall not seek to influence
16 the course or outcome of any specific OPA investigation, or the findings, discipline, or other
17 remedial action recommended or imposed in such cases.

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

21 J. Review and provide input into SPD recruiting, hiring, and promotional practices,
22 and assist SPD in the development and delivery of SPD in-service training related to the

1 accountability system and helping ensure that this training is part of the curriculum for all new
2 employees.

3 K. Review and comment on any revisions proposed by OPA to the OPA Manual, in
4 accordance with a process established by the OPA Director that provides for consultation and
5 input prior to final adoption of revisions.

6 L. Annually evaluate the performance of the CPC Executive Director, after soliciting
7 perspectives from the public, Mayor, City Attorney, Chief, OPA Director, other SPD employees,
8 and CPC Commissioners.

9 M. Provide input to the Mayor on the performance of the OPA Director in advance of
10 the Mayor's performance evaluation of the OPA Director.

11 Provide input to the Council on the performance of the Inspector General in advance of
12 the Council's performance evaluation of the Inspector General.

13 **3.29.370 Community Police Commission – Reporting**

14 A. CPC shall produce annual reports that are readily understandable and useful to
15 policymakers. The annual report shall be posted online and electronically distributed to the
16 Mayor, City Attorney, Council, Chief, OPA Director, and Inspector General, as well as to the
17 City Clerk for filing as a public record. The annual report shall include, but not be limited to, the
18 following:

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

21 2. A summary of all recommendations for changes in policies and practices,
22 collective bargaining agreements, City ordinances, and state laws;

1 3. A summary of the implementation status of any previous
2 recommendations and, for any that have not been implemented, the reasons; and

3 4. Information about CPC’s outreach to SPD employees and the public, the
4 perspectives gathered by CPC from such outreach, and how the outreach informed CPC’s work.

5 B. In partnership with OIG, CPC shall periodically evaluate and issue reports on how
6 effective SPD’s processes are in meeting community needs for a diverse work force, including
7 the relevance of traditional disqualifying factors and the speed of the hiring process, to assess if
8 there are unfair impediments to hiring and retaining diverse and skilled officers.

9 **Subchapter IV Mechanisms to Support Accountability**

10 **3.29.400 Reporting of potential misconduct and police accountability issues**

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

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

22 C. The procedures of any SPD board, unit, or process created to review performance
23 must be approved by the Chief and set forth in the SPD Policy Manual. SPD administrative

1 investigation units, including the Force Review Board, shall maintain a schedule of review that
2 limits the duration of each incident review to 90 days. SPD administrative investigation units
3 shall not make determinations of misconduct or recommend discipline.

4 D. Where cases are referred by OPA to the named employee's supervisors for
5 follow-through, including training, SPD shall ensure follow-through is timely and substantive.

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

9 F. The City Attorney's Office, the Department of Finance and Administrative
10 Services (FAS), and OPA shall establish an effective system to ensure that any claim evaluated
11 and investigated by FAS pursuant to Chapter 5.24 involving possible misconduct by an SPD
12 employee is reviewed by OPA to determine whether the claim provides a basis for a complaint of
13 misconduct to be initiated by OPA. In such cases, the OPA Director, FAS and the City
14 Attorney's Office shall determine an appropriate timing and approach to the claims review
15 process so that it will not interfere with the OPA complaint-handling and investigation process.
16 OPA shall be responsible for notifying each complainant of coordination between the complaint
17 investigation and the tort claim process, and shall provide periodic updates as to the status of its
18 investigation to the complainant, FAS and the City Attorney's Office. Within five business days
19 after the OPA case is closed, OPA shall provide (a) notice of the closure to FAS and the City
20 Attorney's Office and (b) an electronic copy of the complete OPA file to FAS, subject to
21 appropriate redactions where required by law.

22 G. SPD, OPA, the City Attorney's Office, CPC, and all other City departments and
23 offices shall timely inform the Inspector General of any problems or deficiencies not previously

1 reported to OIG related to operations, policies, programs, and practices that would reasonably be
2 expected to adversely affect SPD effectiveness, public safety, police accountability,
3 constitutional policing, or the public's confidence in SPD.

4 H. As appropriate, the City Attorney shall advise the OPA Director and the Chief of
5 any issues identified through litigation, grievances, or disciplinary appeals to help OPA and SPD
6 make informed improvements to policies and procedures.

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

11 **3.29.410 Continuous improvement**

12 A. 1. SPD and OPA shall confer with and respond in writing within 30 days to any
13 oversight entity issuing written recommendations contained in reports required by this Chapter
14 3.29. For any accepted recommendations, the response shall provide a plan for implementation,
15 including a plan for regular written progress reports. For any recommendations not accepted or
16 not scheduled for implementation, the response shall provide an explanation of why not. If the
17 lead entity responsible for the implementation of any recommendation is a City department or
18 office other than SPD or OPA, the Mayor's Office shall coordinate providing the necessary
19 information to include in the response.

20 2. The OPA Director, Inspector General, the CPC co-chairs, and the Chief, or their
21 designees, shall meet together at least quarterly to collectively review and verify their positions
22 on the status of all recommendations.

1 3. CPC shall compile and maintain a database of all recommendations and their
2 status, as represented to CPC by the issuing entity. Following the quarterly meetings, CPC shall
3 update the database. CPC may include their analyses and comments.

4 B. SPD shall respond in writing to any Training Referral or Supervisor Action
5 referral with an explanation of actions taken.

6 C. In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and
7 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the
8 purpose of ensuring SPD policies are consistent with best practices, which may include
9 recommendations from the civilian oversight entities. SPD's schedule and protocol shall allow
10 opportunity for meaningful SPD Policy Manual reviews.

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

15 E. At the time the Mayor's annual proposed budget is submitted to the Council, the
16 Mayor shall notify the Council and CPC in writing, with copies to the Inspector General and the
17 OPA Director, when recommendations requiring City funding issued in reports made in the prior
18 year consistent with the reporting requirements set forth in this Chapter 3.29 by those responsible
19 for implementing the purposes of this Chapter 3.29 are not included for funding in the budget
20 proposal. The Mayor shall also identify any reductions to the OPA, OIG, or CPC baseline
21 budgets in the proposed budget, or compared to the budgets as proposed to the Mayor by OPA,
22 OIG, or CPC, with an explanation of the reasons for the reductions.

1 F. At the time the Mayor's proposed state legislative agenda is presented to the
2 Council, the Mayor shall notify the Council and CPC in writing, with copies to the Inspector
3 General and the OPA Director, when associated recommendations made by those responsible for
4 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative
5 agenda.

6 G. The City's Office of Intergovernmental Relations shall consult with the OPA
7 Director, the Inspector General, and CPC during the development of the City's state legislative
8 agenda.

9 H. Each year the City Attorney's Office shall provide the OPA Director and
10 Inspector General with two status reports, one covering the period from January 1 to June 30 and
11 one from July 1 to December 31, regarding (a) all OPA cases in which the findings or discipline
12 have been appealed during the previous six months and (b) all OPA cases in which the findings
13 or discipline have been appealed in earlier periods and that remained open at any time during the
14 current reporting period. These status reports shall include all OPA cases not yet closed due to
15 appeal, the case number, the named employee or employees, the date of complaint, the date of
16 disciplinary action, the Chief's disciplinary decision, the date of appeal, the nature of the appeal,
17 and the current status of the case, including any modification to the case disposition as a result of
18 appeal.

19 **3.29.420 Disciplinary, grievance, and appeals policies and processes**

20 A. SPD disciplinary, grievance, and appeal policies and processes shall be timely,
21 fair, consistent, and transparent.

22 1. SPD shall track all records of Chief disciplinary determinations. The OPA
23 Director and the Inspector General shall have unfettered access to this information, and SPD

1 shall report on disciplinary patterns in such a way that the public can assess whether the Chief of
2 Police is exercising disciplinary authority in a fair and consistent manner.

3 2. To help ensure timeliness, the following deadlines shall apply to the
4 disciplinary and appeal processes:

5 a. OPA shall complete investigations within the period set forth in
6 Section 3.29.130.

7 b. SPD shall provide a copy of any proposed Disciplinary Action
8 Report or successor disciplinary action document to the affected employee via electronic
9 communication. If the employee seeks a due-process meeting with the Chief or the Chief's
10 designee, the employee must communicate that request to the Chief's office electronically within
11 10 days of the date of receipt of the disciplinary action document.

12 c. The Chief or the Chief's designee shall hold the due process
13 meeting within 30 days of the employee's request.

14 d. The Chief or the employee may request one reasonable
15 postponement of the due-process meeting, not to exceed two weeks from the date of the
16 originally scheduled meeting.

17 e. The Chief shall issue a final disciplinary decision within two
18 weeks of the due-process meeting. This decision may be delivered electronically, with an
19 electronic copy sent to the employee's collective bargaining representative.

20 f. An employee may appeal a disciplinary decision as set forth in
21 Chapter 4.08.

22 g. The Public Safety Civil Service Commission (PSCSC) shall adhere
23 to the timelines set forth in Chapter 4.08.

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

3 4. The Chief shall have the authority to place an SPD employee on leave
4 without pay prior to the initiation or completion of an OPA administrative investigation where
5 the employee has been charged with a felony or gross misdemeanor; where the allegations in an
6 OPA complaint could, if true, lead to termination; or where the Chief otherwise determines that
7 leave without pay is necessary for employee or public safety, or security or confidentiality of law
8 enforcement information. In any case of such leave without pay, the employee shall be entitled to
9 back pay if reinstated, less any amounts representing a sustained penalty of suspension.

10 5. No disciplinary action will result from a complaint of misconduct where
11 the misconduct comes to the attention of OPA more than five years after the date of the alleged
12 misconduct, except where the alleged misconduct involves criminal law violations, dishonesty,
13 or Type III Force, as defined in the SPD policy manual or by applicable laws, or where the
14 alleged act of misconduct was concealed.

15 6. All appeals related to employee discipline shall be governed by this
16 Chapter 3.29 and Chapter 4.08. Only appeals for which the hearing has already been scheduled
17 prior to the effective date of the ordinance introduced as Council Bill 118969—including
18 Disciplinary Review Board proceedings for officers and sergeants, and arbitration proceedings
19 for lieutenants and captains—shall continue in accordance with the relevant contractual or
20 legislated procedures. As of the effective date of the ordinance introduced as Council Bill
21 118969, all other disciplinary appeals may proceed only under this Chapter 3.29 and Chapter
22 4.08.

23 7. Public Safety Civil Service Commission

1 a. All appeals related to SPD employee discipline shall be open to the
2 public and shall be heard by PSCSC.

3 b. The PSCSC shall be composed of three Commissioners, none of
4 whom shall be current City employees or individuals employed by SPD within the past ten years,
5 who are selected and qualified in accordance with subsection 4.08.040.A.

6 c. Oral reprimands, written reprimands, “sustained” findings that are
7 not accompanied by formal disciplinary measures, and alleged procedural violations may be
8 processed through grievance processes established by the City Personnel Rules or by Collective
9 Bargaining Agreements, but no grievance procedure may result in any alteration of the discipline
10 imposed by the Chief. Such grievances are not subject to arbitration and may not be appealed to
11 the PSCSC or any other forum.

12 8. SPD employees shall not use any type of accrued time balances to be
13 compensated while satisfying a disciplinary penalty that includes an unpaid suspension.

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

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

1 to allow the WSCJTC to have a full and complete record when deciding whether de-certification
2 is appropriate.

3 **3.29.430 Recruitment, hiring, assignments, promotions, and training**

4 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,
5 assignment, and promotional practices that emphasize leadership and policing skills consistent
6 with accountability, which support equity and the goals set forth in the Consent Decree. In doing
7 so, SPD shall consult with CPC and OIG and may obtain guidance from other community
8 stakeholders.

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

15 C. Consistent with Chapter 4.08, SPD shall use preference points in hiring sworn
16 employees who are multi-lingual and/or have work experience or educational background
17 providing important skills needed in modern policing, such as experience working with diverse
18 communities, and social work, mental health or domestic violence counseling, or other similar
19 work or community service backgrounds.

20 D. After consulting with and receiving input from OIG, OPA, and CPC, SPD shall
21 establish an internal office, directed and staffed by civilians, to manage the secondary
22 employment of its employees. The policies, rules, and procedures for secondary employment

1 shall be consistent with SPD and City ethical standards, and all other SPD policies shall apply
2 when employees perform secondary employment work.

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

11 F. SPD shall ensure that its "take-home" policy for SPD vehicles, and the
12 opportunities for assignments that provide additional financial remuneration, are consistent with
13 SPD accountability practices and an effective use of taxpayer resources.

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

1 sergeants or sergeants for consideration. If a second list is provided, the OPA Director may select
2 personnel from either list, or from among volunteers.

3 H. SPD shall collaborate with OPA, OIG, and CPC in the development and delivery
4 of SPD in-service training related to the accountability system.

5 **3.29.440 Public disclosure, data tracking, and record retention**

6 A. SPD and the City Attorney's Office shall work with OPA to release information
7 associated with closed OPA cases as promptly and with as much transparency as legally and
8 practically possible.

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

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

19 D. SPD shall track and document OPA cases referred from the OPA Director to the
20 Chief in OPA and SPD data systems.

21 E. All SPD personnel and OPA case files shall be retained as long as the employee is
22 employed by the City, plus either six years or as long as any action related to that employee is
23 ongoing, whichever is longer. SPD personnel files shall contain all associated records, including

1 Equal Employment Opportunity complaints, and disciplinary records, litigation records, and
2 decertification records; and OPA complaint files shall contain all associated records, including
3 investigation records, Supervisor Action referrals and outcomes, Rapid Adjudication records,
4 and referrals and outcomes of mediations. Records of written reprimands or other disciplinary
5 actions shall not be removed from employee personnel files.

6 F. For sworn employees who are terminated or resign in lieu of termination, such
7 that the employee was or would have been separated from SPD for cause and at the time of
8 separation was not “in good standing,” SPD shall include documentation in SPD personnel and
9 OPA case files verifying (a) a letter was sent by SPD to the Washington State Criminal Justice
10 Training Commission (WSCJTC) regarding de-certification and consistent with the requirements
11 set forth in subsection 3.29.420.A.11; (b) whether action was taken by the WSCJTC in response
12 to that letter; (c) that the Chief did not and will not grant the employee authorization to serve in a
13 Special Commission capacity, as a reserve officer or as a retired officer in a private company that
14 provides flagging, security, or related services; and (d) that the Chief did not or will not grant
15 any request under the Law Enforcement Officers Safety Act to carry a concealed firearm. The
16 latter two actions shall also be taken and documentation included in the SPD personnel and OPA
17 case files whenever a sworn employee resigns or retires with a pending complaint and does not
18 fulfill an obligation to fully participate in an OPA investigation.

19 **3.29.450 Criminal cases**

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

1 **3.29.460 Collective bargaining and labor agreements**

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

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

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

16 **3.29.470 Public statements**

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

22 **3.29.480 Protection of civilian oversight entities**

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

16 B. When, due to a conflict of interest, lack of technical expertise, or capacity
17 reasons, the City Attorney’s Office declines to provide legal representation to an oversight entity
18 in any legal matter, enforcement action, or court proceeding, the City Attorney shall so indicate
19 to the oversight entity in writing with the reason for the declined representation, and that
20 oversight entity shall be entitled to representation by private legal counsel. Private legal counsel
21 shall be selected and retained by the City Attorney’s Office, in consultation with the oversight
22 entity. The City shall provide sufficient funding for the legal services separate from the oversight

1 entity's operational budget, which shall be reviewed and approved in advance by the City Budget
2 Office.

3 **14.12.310 Appointment and responsibilities of Auditor**

4 The Inspector General, or the Inspector's designee or designees in the Office of Inspector
5 General for Public Safety, shall perform the duties of the **Auditor**. The Inspector General shall
6 ensure that an outside law enforcement agency has conducted a thorough background check,
7 including records of arrest, charges, or allegations of criminal conduct or other nonconviction
8 data for the purpose of determining the individual's fitness to perform the duties of Police
9 Intelligence Auditor, for any staff of the Office of Inspector General for Public Safety prior to
10 the staff's commencement of any work under this Chapter 14.12 that may involve access to
11 confidential information.

12 **14.12.320 Limitations on the Auditor.**

13 A. Notwithstanding the Inspector General's access to all **Department** files and
14 records under Chapter 3.29, including nonconviction data pursuant to RCW 10.97.050(4), the
15 **Auditor** shall not examine the following in performing the duties of this Chapter 14.12:

- 16 1. **Department** personnel files;
- 17 2. Office of Police Accountability files;
- 18 3. Files of confidential communications as defined in Section 14.12.090;
- 19 4. Personal files of the Chief of the **Department** which are excluded from
20 this Chapter 14.12 by subsection 14.12.120.A.4;
- 21 5. Specific case files which the King County Prosecuting Attorney
22 personally certifies in writing need to be withheld from the **Auditor's** review because the files
23 involve investigations of corruption or malfeasance in office of a governmental official or

1 Subsequently, the term of each Commissioner shall be three full years. Each term shall
2 commence on January 1, and appointments to fill vacancies shall be for the unexpired term. A
3 Commissioner shall be eligible to serve three full terms plus any time spent filling a vacancy for
4 an unexpired term or a shortened initial term. Two Commissioners shall constitute a quorum.
5 Commissioners may receive compensation for their services as may be fixed from time to time
6 by ordinance. The term of the first Commissioners appointed after the effective date of the
7 ordinance introduced as Council Bill 118969 shall begin at the time of appointment, but shall be
8 deemed to begin for the purpose of calculating term length on the following January 1.
9 Commissioners who will continue to hold office after the effective date of the ordinance
10 introduced as Council Bill 118969 may continue to hold their positions until those first terms
11 begin; they may also be reappointed by the Mayor or Council in accordance with this subsection
12 4.08.040.A.

13 B. Current City of Seattle employees, as well as individuals employed by SPD
14 within the past ten years, shall be ineligible for the office of Commissioner.

15 C. Pursuant to City Charter Article XIX, Commissioners may be removed for cause
16 by the City Council following a hearing and the Mayor's appointees may also be removed by
17 the Mayor upon filing a statement of reasons therefor.

18 **4.08.070 Powers and duties of Commission**

19 The Commission shall:

20 ***

21 F. 1. With the support of the Seattle Human Resources Director, prepare a register
22 for each class of positions in this system from the returns or reports of the examiners of the
23 persons whose standing upon examination for such class is not less than the minimum

1 established by the Commission. Persons, when graded, shall take rank upon the register as
2 candidates in the order of their relative excellence as determined by competitive examination.

3 a. Veteran's preference. Veteran's preference in examination and appointment shall
4 be granted as required by federal and state law including RCW 41.04.010; provided, a person
5 shall be entitled to use such preference only once to successfully attain an appointment or
6 promotion to a position.

7 b. Language preference. An applicant for a Seattle Police Department (SPD)
8 position deemed fluent in a language other than English may be entitled to have 10 percent credit
9 added to the applicant's examination score for initial hiring or promotion. To receive such credit
10 on his or her examination score, the applicant's fluency will be verified by the hiring authority
11 based on a measure to be established by the Department.

12 c. Community service/work experience preference. An applicant for an SPD
13 position who has completed service in the Peace Corps, AmeriCorps or other verified equivalent
14 work experience or community service of two years or more may be entitled to have 10 percent
15 credit added to the examination score. An applicant seeking credit for service in the Peace Corps
16 must present a Peace Corps Description of Service (DOS) certifying completion of their service
17 in the Peace Corps. To receive such credit on his or her examination score, an applicant's
18 equivalent work experience or community service will be assessed by the hiring authority based
19 on standards to be established by the Department. For example, equivalent work experience or
20 community service might include professional or volunteer experience providing domestic
21 violence counseling, mental health care, or social services. The equivalent work experience or
22 community service must be confirmed through regular Department background verification
23 processes.

1 whether such removal, suspension, demotion, or discharge was made in good faith for cause.
2 After such hearing, the Commission may affirm the action of the appointing authority, or if it
3 shall find that the action was not made in good faith for cause, shall order the immediate
4 reinstatement or reemployment of such person in the office, place, position or employment from
5 which such person was removed, suspended, demoted, or discharged. The Commission upon
6 such hearing, in lieu of affirming the removal, may modify the order of removal, suspension,
7 demotion, or discharge by directing a suspension, without pay, for up to 30 days, and subsequent
8 restoration to duty, or demotion in classification, grade or pay. The findings of the Commission
9 shall be certified in writing by the appointing authority, and shall be forthwith enforced by such
10 officer.

11 **4.08.105 Tenure of employment for police officers — Removal in good faith for cause**

12 A. The tenure of every police officer who is an employee under this system shall be
13 only during good behavior and acceptable job performance, and any such employee may be
14 removed, suspended, demoted, or discharged in good faith for cause. Suspensions shall not
15 exceed 30 days.

16 1. Any employee removed, suspended, demoted, or discharged may within
17 ten days from the date of electronic service of the final disciplinary decision by the Chief of
18 Police, file with the Commission a written notice of appeal. The notice of appeal may be filed
19 electronically, and the employee shall submit copies of this notice to the City Attorney and the
20 Chief of Police.

21 2. The Commission shall ensure that a hearing is conducted as soon as
22 practicable, but in no event later than three months after submission of the notice of appeal. The

1 hearing shall be confined to the determination of whether the employee's removal, suspension,
2 demotion, or discharge was made in good faith for cause.

3 3. Within 30 days of a hearing conducted by the Hearing Officer, the
4 Hearing Officer shall issue a recommended decision. If neither party files written objections to
5 the recommended decision within 20 days of the date of the decision, the recommended decision
6 shall be the final decision of the Commission. If either party objects to the decision, the
7 Commission shall set a schedule for briefs and oral argument. The oral argument shall occur in a
8 public meeting of the Commission and shall be held within 60 days of the date of the
9 recommended decision. The Commission will review the recommended decision and, within 30
10 days of the oral argument, issue a final determination whether the disciplinary decision was in
11 good faith for cause, giving deference to the factual findings of the Hearing Officer. Both the
12 recommended decision and the final decision should affirm the disciplinary decision unless the
13 Commission specifically finds that the disciplinary decision was not in good faith for cause, in
14 which case the Commission may reverse or modify the discipline to the minimum extent
15 necessary to achieve this standard.

16 4. The final decision of the Commission shall be certified in writing to the
17 Chief of Police and shall be forthwith enforced by the Chief.

18 5. Any failure by the City to adhere to a deadline in this Chapter 4.08 will
19 not, in itself, invalidate the Chief's disciplinary decision. The Commission may, however,
20 consider missed deadlines in in determining whether the disciplinary decision is in good faith for
21 cause.

22 B. All hearings pursuant to this Section 4.08.105 shall be open to the public.
23 Hearings shall be held after due notice of the time and place of hearing to the affected employee.

1 The employee has the right to union and legal representation of the employee's choosing and at
2 the employee's own expense. Hearings and related deadlines shall not be delayed more than two
3 weeks due to the unavailability of the City's or the employee's union representative or legal
4 counsel.

5 C. The Commission shall cause to be made a record of all such hearings. Upon
6 request, the Commission shall furnish such record to the employee.

7 **Subchapter V Construction and implementation**

8 **3.29.500 Construction**

9 A. In the event of a conflict between the provisions of this Chapter 3.29 and any
10 other City ordinance, the provisions of this Chapter 3.29 shall govern.

11 B. It is the express intent of the Council that, in the event a subsequent ordinance
12 refers to a position or office that was abolished by the ordinance introduced as Council Bill
13 118969, that reference shall be deemed to be the new position or office created by the ordinance
14 introduced as Council Bill 118969, and shall not be construed to resurrect the old position or
15 office unless it expressly so provides by reference to the ordinance introduced as Council Bill
16 118969.

17 C. It is the express intent of the Council that, in the event a subsequent ordinance
18 refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted
19 ordinance that is amended or recodified in the ordinance introduced as Council Bill 118969, but
20 the later ordinance fails to account for the change made by the ordinance introduced as Council
21 Bill 118969, the two sets of amendments should be given effect together if at all possible. The
22 code reviser may publish the section or subsection in the official code with all amendments
23 incorporated therein.

1 D. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply
2 only to those rules, orders, actions, or proceedings that occur, or have been initiated, on or after
3 the effective date of the ordinance introduced as Council Bill 118969.

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

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

11 **3.29.510 Implementation**

12 A. Provisions of the ordinance introduced as Council Bill 118969 subject to the
13 Public Employees' Collective Bargaining Act, chapter 41.56 RCW, shall not be effective until
14 the City completes its collective bargaining obligations. As noted in Section 3.29.010, the police
15 are granted extraordinary power to maintain the public peace, including the power of arrest and
16 statutory authority under RCW 9A.16.040 to use deadly force in the performance of their duties
17 under specific circumstances. Timely and comprehensive implementation of this ordinance
18 constitutes significant and essential governmental interests of the City, including but not limited
19 to (a) instituting a comprehensive and lasting civilian and community oversight system that
20 ensures that police services are delivered to the people of Seattle in a manner that fully complies
21 with the United States Constitution, the Washington State Constitution and laws of the United
22 States, State of Washington and City of Seattle; (b) implementing directives from the federal
23 court, the U.S. Department of Justice, and the federal monitor; (c) ensuring effective and

1 efficient delivery of law enforcement services; and (d) enhancing public trust and confidence in
2 SPD and its employees.

3 For these reasons, the City shall take whatever steps are necessary to fulfill all legal
4 prerequisites within 30 days of Mayoral signature of this ordinance, or as soon as practicable
5 thereafter, including negotiating with its police unions to update all affected collective
6 bargaining agreements so that the agreements each conform to and are fully consistent with the
7 provisions and obligations of this ordinance, in a manner that allows for the earliest possible
8 implementation to fulfill the purposes of this Chapter 3.29.

9 B. Until the effective date of the ordinance introduced as Council Bill 118969, the
10 current accountability system shall remain in place , consistent with provisions of the Consent
11 Decree in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR).

12 C. Provisions of the ordinance introduced as Council Bill 118969 for which the City
13 has fulfilled its collective bargaining requirements, if any, will go into effect after Court approval
14 in the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) and 30 days after
15 Mayoral signature, or after 40 days if the Mayor fails to sign the bill. Consistent with Section
16 3.29.500, any provisions for which bargaining is not yet complete shall not go into effect until
17 collective bargaining obligations are satisfied.

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Passed by the City Council the 22nd day of May, 2017, and signed by me in open session
in authentication of its passage this 22nd day of May, 2017.

/s/ Tim Burgess
President protem of the City Council

Approved by me this 1st day of June, 2017.

/s/ Edward B. Murray
Edward B. Murray, Mayor

Filed by me this 1st day of June, 2017.

/s/ Monica M. Simmons
Monica Martinez Simmons, City Clerk

(Seal)