Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Mike Fong/5-1675	N/A

Legislation Title: AN ORDINANCE relating to effective and constitutional policing, creating the Community Police Commission and establishing functions and prescribing duties consistent with the settlement agreement and memorandum of understanding entered into between the United States and the City of Seattle.

Summary of the Legislation: This legislation, in conjunction with an Executive Order, would implement the provision for creating a Community Police Commission (CPC) as part of the settlement agreement (Agreement) and memorandum of understanding (MOU) between the United States Department of Justice (DOJ) and the City of Seattle approved in Federal Court on August 30, 2012. The framework for the CPC is outlined in the Agreement and MOU and this ordinance would formalize those elements. Some key components are as follows:

- The CPC is established to leverage the ideas, talent, experience, and expertise of the community. Implementation of the MOU will be overseen by the Parties and the CPC.

- The CPC creates an important opportunity for Seattle's diverse communities to participate in the implementation of the MOU and the Settlement Agreement, and to promote greater transparency and public understanding of the Seattle Police Department.

- The CPC will consist of eleven (11) members, including a Chair designated by the Mayor. All eleven (11) members will be appointed by the Mayor and confirmed by the City Council.

- The CPC will have the following duties:

    - The CPC will undertake the responsibilities assigned to the CPC in the Agreements;
    - The CPC will review the reports and recommendations of the Monitor, issue its own report or recommendations to the City on the implementation of the Agreement;
    - The CPC may review and issue reports or recommendations as to the implementation of SPD's 20/20 initiative and other initiatives of SPD and the City to support the reform process; and
    - The CPC may consider other issues as referred by DOJ and the City in Section III. C. of the MOU related to the following:

        A. Community engagement

B. Accountability

1. Review of Office of Professional Accountability (OPA) structure;
2. Investigation timelines; and
3. Public education and outreach

C. Investigatory stops and data collection

D. Officer assistance and support

E. Transparency and public reporting.

- The CPC may propose legislation to the City Council that will further the purposes described in Section 2.

- The CPC may make budgetary proposals and recommendations to the City Council regarding the City's budget that will further the purposes described in Section 2.

The CPC is also responsible for any and all duties prescribed in the Agreement and MOU that are otherwise not identified in this ordinance. The CPC may also appear before the Court enforcing the Settlement Agreement if the Court determines that the CPC has standing and meets the requirements of Fed. R. Civ. P. 24.

Background:

From March to December of 2011, DOJ conducted an investigation of SPD pursuant to the Violent Crime Control and Law Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968, and Title VI of the Civil Rights Act of 1964. In December, the Justice Department announced its findings that SPD had engaged in a pattern or practice of officers using excessive force. DOJ also found concerns related to SPD policies and practices in a number of other areas including pedestrian encounters and potential bias policing. As a result, the City and DOJ negotiated and entered into a Settlement Agreement and MOU with the goal of:

> "ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department (SPD) and its officers." – Page 1, Settlement Agreement and Stipulated Order of Resolution, United States v. City of Seattle.

The CPC is one element of the Settlement Agreement and MOU. The City Council and Mayor are working collaboratively to implement and advance other elements of the Agreements.

Please check one of the following**:**

____ This legislation does not have any financial implications.
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

_X__ This legislation has financial implications.
(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

NOTE: The Mayor's Proposed 2013-2014 Budget includes funding for implementation of the DOJ Settlement Agreement and MOU. Funding associated with staffing and other administrative costs for the CPC have been accounted for within the reserve fund for DOJ implementation.

Appropriations:

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance to cover this appropriation in the note section.)

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
TOTAL				

***See budget book to obtain the appropriate Budget Control Level for your department.*

Appropriations Notes:

Anticipated Revenue/Reimbursement Resulting from this Legislation:

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
TOTAL				

Revenue/Reimbursement Notes:

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions*	2013 FTE*
TOTAL							

** 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.*

Position Notes:

Do positions sunset in the future?

(If yes, identify sunset date)

Spending/Cash Flow:

(This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.)

Fund Name & #	Department	Budget Control Level*	2012 Expenditures	2013 Anticipated Expenditures
TOTAL				

** See budget book to obtain the appropriate Budget Control Level for your department.*

Spending/Cash Flow Notes:

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
N/A

b) **What is the financial cost of not implementing the legislation?**
The CPC is an element of the Court ordered Settlement between DOJ and the City of Seattle. Not creating the CPC would be in violation of the Court order.

c) **Does this legislation affect any departments besides the originating department?**
SPD, Office of Civil Rights, Mayor's Office

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?
N/A

e) Is a public hearing required for this legislation?
No

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No

g) Does this legislation affect a piece of property?
No

h) Other Issues:

List attachments to the fiscal note below: