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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to civilian 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; and repealing Sections 3.28.805, 3.28.815, 3.28.820, 3.28.910, and 3.28.920 of the SMC.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.28.805 of the Seattle Municipal Code, last amended by Ordinance 122744, is repealed:

Section 2. Section 3.28.815 of the Seattle Municipal Code, last amended by Ordinance 120728, is repealed:

Section 3. Section 3.28.820 of the Seattle Municipal Code, last amended by Ordinance 120728, is repealed:

Section 4. Section 3.28.910 of the Seattle Municipal Code, last amended by Ordinance 122744, is repealed:

Section 5. Section 3.28.920 of the Seattle Municipal Code, last amended by Ordinance 122126, is repealed:

Section 6. A new Chapter 3.29 is added to the Seattle Municipal Code as follows:

Chapter 3.29 CIVILIAN OVERSIGHT OF POLICE

3.29.005 Purpose—Enhancing and sustaining effective civilian oversight

Because the police are granted extraordinary power, and civilian oversight of police is critically important to enhancing the trust, respect, and confidence of the community, it is the City of Seattle’s intent to ensure by law a comprehensive, independent, and sustained approach to

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1 civilian oversight of the Seattle Police Department (SPD). The purpose of this Chapter 3.29 is to
2 provide the authority necessary for that oversight to be as effective as possible.

3 Civilian oversight of SPD shall be comprised of an Office of Police Accountability (OPA) to
4 handle complaints of misconduct, an Office of Inspector General (OIG) to provide systemic
5 oversight of the management, practices, and policies of SPD and OPA, and a Community Police
6 Commission (CPC) to provide community input to ensure that police services are delivered in a
7 lawful and nondiscriminatory manner and are aligned with community values and expectations.

8 **3.29.007 Definitions**

9 As used in this Chapter 3.29:

10 “Budget Control Level” means the level at which expenditures are controlled to meet
11 state and city budget law provisions.

12 “CPC” means the Community Police Commission.

13 “Inconclusive” means at category of Not Sustained finding made at the conclusion of an
14 OPA investigation that there is not sufficient evidence to determine whether or not misconduct
15 occurred.

16 “Lawful and Proper” means a category of Not Sustained finding made at the conclusion
17 of an OPA investigation that the employee’s conduct was consistent with law, policy, and
18 training.

19 “Management Action” means a separate finding made at the conclusion of an OPA
20 investigation, whether the allegation(s) are Sustained or Not Sustained as to the employee(s),
21 identifying improvements needed to SPD policy, practice, or operations. OPA recommends to
22 SPD actions to be taken and SPD must provide a written response as to how it will address the

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1 identified issues. OPA also communicates the recommended actions and response to the
2 complainant and the public.

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

4 A “Not Sustained” finding means at the conclusion of an OPA investigation where the
5 alleged misconduct was not proven to have occurred. A Not Sustained finding may be
6 Unfounded, Lawful and Proper, Inconclusive, or a Training Referral.

7 “OIG” means the Office of Inspector General.

8 “OPA” means the Office of Police Accountability.

9 “OPA Manual” means the Office of Police Accountability Internal Operations and
10 Training Manual.

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

15 “SPD” means the Seattle Police Department.

16 “Supervisor Action” means complaints not classified by OPA for investigation and
17 instead referred to the employee’s supervisor for appropriate follow-up, such as problem-solving,
18 mentoring, coaching, performance review, or other communication with the employee and with
19 the complainant to improve performance and/or to be responsive to the complainant, with a
20 report of actions taken submitted to OPA.

21 A “Sustained” finding means a finding at the conclusion of an OPA investigation that the
22 alleged misconduct was proven to have occurred by a preponderance of the evidence.

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1 “Training Referral” means a category of Not Sustained finding made at the conclusion of
2 an OPA investigation that requires the employee’s chain of command to provide appropriate
3 training or counseling of the employee to improve performance, with a report of training
4 provided submitted to OPA.

5 “Type III Force” means force that causes, or is reasonably expected to cause, great bodily
6 harm, substantial bodily harm, loss of consciousness, or death, and/or the use of neck or carotid
7 holds, stop sticks for motorcycles, and impact weapon strikes to the head, and other strikes
8 reasonably expected to cause substantial bodily harm.

9 “Unfounded” means a category of Not Sustained finding made at the conclusion of an
10 OPA investigation that the alleged misconduct did not occur.

11 Section 7. Subchapter VII of Chapter 3.28 of the Seattle Municipal Code is recodified as
12 Subchapter I of Chapter 3.29 and amended as follows:

13 **Subchapter I Office of Police Accountability**

14 Section 8. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance
15 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

16 **3.29.010 Office of Police Accountability established—Purpose and authority**

17 There is established as a separate and independent office of the City an Office of Police
18 Accountability to provide oversight, official findings, and recommendations concerning police
19 accountability at SPD. The work of OPA is intended to instill confidence and public trust in the
20 fairness and integrity of the police accountability system and in the effectiveness and
21 professionalism of SPD. The goal of OPA is to help ensure the actions of SPD employees are
22 constitutional; improve SPD compliance with federal, state, local laws, and with City and SPD
23 policies; and to promote respectful and effective policing that is conducive to the public good.

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1 A. There shall be a civilian OPA Director responsible for carrying out the duties set
2 forth in this Subchapter I. There shall be a civilian OPA Deputy Director to perform such duties
3 and have such powers as the OPA Director may prescribe and delegate to implement and
4 efficiently and effectively manage the duties set forth in this Subchapter I.

5 B. OPA shall establish and manage processes to receive and investigate allegations
6 of police misconduct that are fair, impartial, consistent, thorough, timely, understandable,
7 transparent, and accessible for the public, employees, and complainants.

8 C. OPA shall receive and have the authority to initiate complaints of misconduct or
9 policy violations against SPD employees, and resolve those complaints in accordance with the
10 OPA Manual through investigation, Supervisor Action referral, mediation, Rapid Adjudication,
11 and/or other alternative resolution processes, as well as through Management Action findings
12 and Training Referrals that provide effective solutions and help reduce future misconduct or
13 policy violations.

14 D. OPA policies and practices shall apply equally to all SPD employees regardless of
15 rank or position, and shall be detailed in the OPA Manual, which shall be posted publicly online.

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

20 F. 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.

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1 G. OPA shall support SPD supervisors in the accountability system, including their
2 responsibilities to mentor employees and to investigate, document, and address minor policy
3 violations, performance, and customer service concerns at the precinct and unit level. OPA shall
4 employ civilian OPA staff with professional expertise to work directly with supervisors and
5 others in the precincts to support the fair and consistent handling of such minor violations and
6 concerns.

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

11 I. OPA shall provide input to the OIG regarding systemic problems in SPD policies,
12 training, supervision, and management identified in the course of OPA’s investigation of
13 possible misconduct or policy violations, or in the course of OPA’s other obligations under this
14 Chapter 3.29, to help improve SPD standards and enhance employee conduct.

15 J. OPA shall work with the City Attorney’s Office to publicly release information
16 about OPA cases as promptly and with as much transparency as legally and practically possible.

17 K. OPA shall collaborate with SPD and OIG in the development and delivery of SPD
18 in-service training related to the accountability system and ensure that this training is part of the
19 curriculum for all new employees.

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1 Section 9. A new Section 3.29.015 of the Seattle Municipal Code is added to Subchapter
2 I of Chapter 3.29 as follows:

3 **3.29.015 Office of Police Accountability—Independence**

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

9 B. The OPA Director shall have authority for the hiring, supervision, and discharge
10 of all civilian staff, and for the supervision and transfer back to SPD of any sworn staff assigned
11 to OPA.

12 C. The OPA Director and OPA staff shall exercise their discretionary and
13 investigatory responsibilities granted by this Chapter 3.29 without interference from any person,
14 group, or organization, including the Chief of Police, other SPD employees, or other City
15 officials, except that the OPA Director and OPA staff shall be subject to oversight as set forth in
16 this Chapter 3.29. City employees and agents who violate these provisions may be subject to
17 dismissal, discipline, or censure consistent with City and state laws.

18 D. ~~A budget with sufficient staffing and resources for effective OPA operations shall~~
19 ~~be submitted annually by the OPA Director separate and distinct from the SPD’s budget. The~~
20 City shall provide sufficient professional staff and resources to enable OPA to perform all of its
21 duties and responsibilities specified in this Chapter 3.29. An annual budget to support effective
22 OPA operations shall be based on not less than a specified percentage of SPD’s base budget,
23 with the percentage to be determined by the City Council for the capacity needed, using

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1 comparable entities or other appropriate metrics. The OPA Director shall have budget, workplan,
2 and program control of OPA operations within the scope of its budget appropriation. The OPA
3 budget shall be submitted as a separate Budget Control Level and incorporated into the City
4 budget separate and distinct from SPD’s budget and the OPA Director shall have the authority to
5 advocate for resources if necessary during the budget process.

6 E. Only the OPA Director shall comment publicly on the specifics of any ongoing
7 OPA investigation.

8 Section 10. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance
9 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

10 **3.29.020 Office of Police Accountability—Director**

11 A. The duties of the OPA Director are to:

- 12 1. Manage all functions and responsibilities of OPA.
- 13 2. Hire, supervise, and discharge OPA civilian staff, and supervise and
14 transfer back to SPD any sworn staff assigned to OPA. OPA staff shall collectively have the
15 requisite credentials, skills, and abilities to fulfill the duties and obligations of OPA set forth in
16 this Chapter 3.29.
- 17 3. Manage the complaint process so that all complaints of police misconduct
18 or policy violations are initiated, received, referred, classified, investigated, and appropriately
19 resolved.
- 20 4. Update the OPA Manual at least annually, and ensure OPA processes are
21 in compliance with the OPA Manual. Such updates shall be done in accordance with a process
22 established by the OPA Director that provides for consultation and input by OIG and CPC prior
23 to final adoption of any updates.

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1 5. Oversee and strengthen the effectiveness of OPA investigations,
2 Supervisor Action referrals, mediation, Rapid Adjudication, and other alternative resolution
3 processes, as well as Management Actions and Training Referrals. The OPA Director shall
4 consult with CPC and OIG to implement improvements, consistent with best practices, to make
5 and maintain a fair and effective mediation program and a fair and effective Rapid Adjudication
6 process.

7 6. Direct OPA investigative processes employing best practices for
8 administrative investigations and in compliance with the OPA Manual and the purposes of this
9 Chapter 3.29.

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

16 8. Ensure that every OPA investigation has an investigation plan approved
17 by the OPA Director or the OPA Director's designee prior to the initiation of an investigation.

18 9. Comply with all OPA deadlines, including investigation deadlines, tolling
19 of investigation deadlines, and extensions to investigation deadlines in order to complete
20 investigations in a timely manner that best serves the public, complainants, and SPD employees.

21 10. Work with OIG and SPD to make disciplinary processes as fair, impartial,
22 objective, certain, timely, consistent, understandable, transparent, and effective as possible and
23 report out to the public on any concerns with regard to discipline or disciplinary processes.

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1 11. Work with OIG, SPD, and the City Attorney’s Office to help reduce or
2 prevent misconduct through identification of patterns or trends arising through complaints,
3 investigations, and lawsuits, and report to the public recommendations made by OPA to City
4 officials based on those patterns or trends.

5 12. Respond to the scene of all SPD officer-involved shootings and other
6 serious use of force incidents pursuant to its duties set forth in Section 3.29.025 or designate
7 OPA staff member(s) to do so.

8 13. Manage OPA with the goal that OPA maintain frequent and regular
9 communications with complainants and named employees about the status of their investigation,
10 including information to complainants about disciplinary appeal and grievance processes.

11 14. Ensure that investigators and investigative supervisors receive orientation
12 and training when they begin working at OPA, on administrative investigation best practices,
13 commensurate with their duties.

14 15. Consult with CPC regularly regarding needed OPA informational
15 materials to ensure they are readily understandable and widely available to Seattle’s diverse
16 residents both in English and in translation.

17 16. Obtain information about community perspectives and concerns germane
18 to OPA access and OPA’s oversight responsibilities by means including, but not necessarily
19 limited to, seeking support from CPC ~~and other community stakeholders~~ on community outreach
20 and receiving feedback from CPC on issues surfaced as a result of its community outreach
21 activities.

22 17. Facilitate access to the accountability system, including the use of OPA
23 complainant navigators, community-based organizations, ~~or~~ and other approaches that reflect or

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1 take into account the diversity of Seattle’s communities in order to provide additional channels
2 for filing complaints and support understanding of the system and how to access it.

3 18. Meet with CPC pursuant to Section 3.29.225 on issues of significant
4 public interest related to police accountability and professional conduct.

5 19. Advise the Mayor, City Attorney, City Council, Chief of Police, Inspector
6 General, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and
7 promote to policymakers changes to policies and practices, collective bargaining agreements,
8 city ordinances, and state laws in order to support systemic improvements and other
9 enhancements to SPD performance and in furtherance of community trust.

10 20. Provide technical assistance to CPC, as reasonably requested and
11 consistent with the purposes of this Chapter 3.29.

12 21. Collaborate with the Chief of Police, OIG, and other SPD leadership to
13 strengthen the involvement of supervisory personnel in the accountability system to enhance a
14 culture of accountability throughout SPD.

15 B. Qualifications. The OPA Director shall be a civilian with significant legal,
16 investigative, human resources, law enforcement oversight, or prosecutorial experience and
17 should also have the following additional qualifications and characteristics:

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

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

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

3 4. A history of leadership experience;

4 5. 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, City Council, City Attorney, Chief of Police, Inspector General, and CPC;

8 6. 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 7. The ability to exercise sound judgment, independence, fairness, and
12 objectivity, and to carry out the duties of the OPA Director in a manner that reflects sound
13 judgment, independence, fairness, and objectivity in an environment where controversy is
14 common.

15 C. Appointment and removal

16 1. The OPA Director shall be appointed and reappointed by the Mayor. The
17 Mayor shall select from up to three qualified finalists identified by a search committee through a
18 national process using merit-based criteria. CPC representatives will constitute 25 percent of the
19 search committee, and A an additional CPC representative ~~of CPC~~ shall serve as one of the search
20 committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a new
21 search. The appointee shall be confirmed by a majority vote of the full City Council. The Mayor
22 shall consult with CPC prior to reappointments.

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1 2. The OPA Director may be appointed and reappointed for up to three, four-
2 year terms for a total of 12 years. The terms shall be set to commence in years separate from the
3 Mayor's term of office. Each term year shall commence on July 1, except for the first term of the
4 first OPA Director appointed pursuant to this Chapter 3.29, which will commence immediately
5 following City Council confirmation. The first four-year term served by the first OPA Director
6 appointed pursuant to this Chapter 3.29 shall include and not be limited by time served in office
7 after confirmation but prior to July 1. The first OPA Director appointed pursuant to this Chapter
8 3.29 may serve two subsequent four-year terms. If the OPA Director assumes office mid-term
9 due to a prior vacancy, the OPA Director may complete that term and then be reappointed for up
10 to three, four-year subsequent terms.

11 3. Each appointment and reappointment shall be made whenever possible
12 sufficiently prior to the expiration of the latest incumbent's term of office, or the effective date of
13 an incumbent's resignation, permitting City Council action to approve or disapprove the
14 appointment or reappointment at least 45 days before the expiration of the present term or the
15 effective date of the resignation, so as to have a seamless transition without a gap in oversight. If
16 the Mayor does not make an appointment or reappointment or does not initiate a new search
17 within 90 days of the first day of the expiration of a term or of a vacancy, a three-member
18 Special Committee of the City Council assigned by the City Council President shall appoint the
19 OPA Director subject to confirmation by a majority vote of the full City Council. If the City
20 Council does not confirm the Mayor's appointee, the Mayor shall appoint a new OPA Director
21 within 90 days and such appointment shall be consistent with this Section 3.29.020, and subject
22 to confirmation by a majority vote of the full City Council. If the City Council does not act on

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1 the Mayor's appointee within 30 days of the submittal of the nomination to the City Council, the
2 appointee shall be deemed to have been confirmed.

3 4. In the event of a vacancy, the Mayor shall designate an interim OPA
4 Director within ten days after the first day of the vacancy to serve until a new OPA Director is
5 appointed. If the Mayor does not designate an interim OPA Director within ten days of the first
6 day of the vacancy, the City Attorney's Office shall provide notice to the City Council President
7 and the interim OPA Director shall be designated by the City Council President. The interim
8 OPA Director may be either an OPA employee or an individual from outside OPA, but must
9 meet key qualifications in this Section 3.29.020. An OPA Director whose term is ending may
10 continue on an interim basis until a successor has been confirmed by the City Council. An
11 interim term shall not count as a full term for the purposes of calculating term limits under this
12 Section 3.29.020.

13 5. To strengthen the independence of the OPA Director, the Mayor may
14 remove the OPA Director from office only for cause, and in accordance with the following
15 provisions:

16 a. The Mayor shall give written notice, specifying the basis for the
17 intended removal, to the OPA Director, the City Council President, the Inspector General, and
18 the CPC Executive Director.

19 b. Within ten days after receipt of the notice, the OPA Director may
20 file with the City Council President a request for a hearing on the cause for removal. The OPA
21 Director's request for a hearing shall be delivered at the same time to the Mayor, the Inspector
22 General, and to the CPC Executive Director. If such request is made, the City Council shall
23 convene a hearing on the cause for removal not sooner than 30 days and not more than 60 days

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1 following the OPA Director’s request for a hearing, at which the OPA Director may appear, be
2 represented by publicly-funded counsel, and be heard.

3 c. Following the Mayor’s written notice, and any hearing held at the
4 request of the OPA Director, the City Council shall finalize its de novo review of the grounds for
5 removal and vote to approve or not approve the removal within 30 days of the hearing if held, or
6 if no hearing is held, within 30 days of receiving notice of the intended removal from the Mayor,
7 following input from the Inspector General and CPC.

8 d. A majority vote of City Council members is required to approve
9 removal.

10 6. The Seattle Department of Human Resources shall obtain from an outside
11 law enforcement agency a thorough background check of nominees for OPA Director identified
12 by the Mayor and report the results to the Mayor, prior to submittal of the nomination to the City
13 Council for confirmation.

14 Section 11. A new Section 3.29.025 of the Seattle Municipal Code is added to Subchapter
15 I of Chapter 3.29 as follows:

16 **3.29.025 Office of Police Accountability—Classifications and investigations**

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

19 B. It shall be a condition of employment for all SPD employees to fully and timely
20 participate in an investigation whenever requested by OPA and failure to do so may result in
21 discipline by the Chief of Police, up to and including termination. Complainants may remain
22 anonymous and must be given the choice of an in-person interview. Unless the OPA Director
23 determines exigent circumstances require otherwise, all SPD employee interviews shall be

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1 conducted in-person. All interviews shall be audio-recorded and transcribed, except any
2 interviews conducted before a Rapid Adjudication disposition. If an interview is transcribed
3 both the recording and the transcription shall be retained in the OPA case file.

4 C. When responding to an incident scene, OPA representative(s) shall have access to
5 the scene as necessary to ascertain and assess whether possible violations of SPD policies may
6 have occurred. Following such incidents, OPA representative(s) may attend and participate in
7 any SPD administrative investigation unit interviews or meetings held to review Force
8 Investigation Team (FIT) information or discuss the incident, and may identify any areas of
9 concern related to possible violations of SPD policies. OPA may respond to the scene and
10 participate in SPD administrative investigation unit interviews or meetings of any other incident,
11 at the OPA Director's discretion.

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

18 E. OPA investigation plans shall include the prioritization of the investigation within
19 OPA's ongoing body of work, the witnesses to be interviewed, the perishable evidence to be
20 prioritized, other material evidence to be obtained, and the approach to addressing each
21 allegation of possible policy violation or misconduct. If OPA is unable to investigate an
22 allegation in the manner the OPA Director believes appropriate due to resource constraints in

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1 light of other investigation priorities, the investigation plan and case file should indicate that this
2 intentional decision is being made regarding allocation of investigative resources.

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

8 G. As set forth in subsection 3.29.110.A.14, establish in the OPA Manual a protocol
9 for referral to OIG for classification and appropriate complaint-handling, such as Supervisor
10 Action, investigation, or alternative resolution, any complaints involving OPA staff that cannot
11 be handled within OPA due to a potential conflict of interest.

12 Section 12. A new Section 3.29.026 of the Seattle Municipal Code is added to Subchapter
13 I of Chapter 3.29 as follows:

14 **3.29.026 Office of Police Accountability—Classification and investigation timelines**

15 A. OPA shall notify the named employee(s), the Captain or equivalent of the named
16 employee(s), and the bargaining unit of the named employee(s) within 30 days of receiving
17 directly or by referral a complaint of possible misconduct or policy violation. The notice shall
18 not include the name and address of the complainant if the complainant is a member of the
19 public. The notice shall confirm the complaint and enumerate allegations that allow the named
20 employee(s) to begin to prepare for the OPA investigation; however, if OPA subsequently
21 identifies additional allegations not listed in the 30-day notice, these may also be addressed in the
22 investigation.

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1 B. The time period in which investigations must be completed by OPA in order for
2 discipline to be imposed is 180 days. The time period begins on the date OPA initiates a
3 complaint, a complaint is filed with OPA, or a complaint should have been referred to OPA by
4 an SPD employee or an SPD administrative investigation unit such as force review or collision
5 review. The time period ends on the date the OPA Director issues proposed findings.

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

11 1. Where an SPD employee fails to timely refer a complaint to OPA the
12 failure to refer shall also constitute misconduct subject to complaint and investigation, and
13 discipline under this Chapter 3.29 and the authority of the Chief of Police.

14 2. If the failure by an SPD employee to timely refer results in OPA being
15 unable to complete an investigation within 180 days, OPA shall initiate a complaint and
16 investigation of the failure to timely refer with an investigation timeline of the later of (a) 180
17 days following the end of the 180-day period for the underlying, untimely-referred alleged
18 misconduct or (b) 180 days following the determination that the 180-day deadline was missed
19 due to a failure to timely refer.

20 D. Each time an OPA interview of a named or witness employee must be postponed
21 due to the unavailability of the interviewee or the interviewee's labor representative, the
22 additional number of days needed to accommodate the schedule of the employee or the
23 employee's bargaining representative shall be added to the 180-day investigation period.

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1 E. If the OPA Director position becomes vacant due to unforeseen exigent
2 circumstances, the 180-day period shall toll for 60 days to permit the designation of an interim
3 OPA Director and the initiation of the appointment process for a permanent OPA Director
4 without prejudicing ongoing OPA investigations.

5 F. In cases involving possible criminal actions, the 180-day period shall be tolled if
6 an OPA administrative investigation is not commenced or is paused due to a criminal
7 investigation. The OPA administrative investigation shall be paused as long as is necessary so
8 that neither the OPA administrative nor the criminal investigation of the same incident is
9 compromised. The 180-day clock shall resume whenever any administrative investigation steps
10 are taken by OPA.

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

18 H. To ensure the integrity and thoroughness of investigations, and the
19 appropriateness of disciplinary decisions, if at any point during an OPA investigation the named
20 employee or the named employee's bargaining representative becomes aware of any witness or
21 evidence that the named employee or the employee's bargaining representative believes to be
22 material, they shall disclose it as soon as is practicable to OPA, or shall otherwise be foreclosed
23 from raising it later in a due process hearing, grievance, or appeal. Information not disclosed

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1 prior to a due process hearing, grievance or appeal, shall not be allowed into the record after the
2 OPA investigation has concluded if it was known to the named employee or the named
3 employee’s bargaining representative during the OPA investigation, and if OPA offered the
4 employee an opportunity to discuss any additional information and suggest any additional
5 witnesses during the course of the employee’s OPA interview.

6 I. If further investigation is needed because new information is brought forward
7 during an OPA interview or a due process hearing, or because additional investigation is directed
8 by OIG or new evidence is surfaced from such additional investigation, OPA shall have an
9 additional 60 days for each instance that requires additional investigation, to complete that work
10 and provide it for final review by OIG.

11 Section 13. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance
12 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

13 **3.29.027 Office of Police Accountability—Explanations of certain complaint dispositions**

14 A. Where there is disagreement between the Chief of Police and the OPA Director as
15 to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall
16 engage in a supplemental meeting to discuss the disagreement, which shall occur after the
17 employee due process meeting has taken place. The Inspector General shall be present at this
18 meeting.

19 B. If the Chief of Police decides not to follow the OPA Director’s written
20 recommendations on findings following an OPA investigation, the Chief shall provide a written
21 statement of the material reasons for the decision. If the basis for the action is personal, involving
22 family or health-related circumstances about the named employee, the statement shall refer to
23 “personal circumstances” as the basis. The Chief of Police shall make this written statement

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1 within 30 days of the Chief's decision. The written statement shall be provided to the Mayor,
2 City Councilmembers, the City Attorney, the OPA Director, and the Inspector General, and be
3 included in the OPA case file and in a communication with the complainant and the public. If
4 any findings or discipline resulting from an investigation are changed pursuant to an appeal or
5 grievance, this responsibility shall rest with the City Attorney.

6 C. If no discipline results from an OPA complaint because an investigation time limit
7 as set forth in Section 3.29.026 has been exceeded, within 30 days of the final certification of the
8 investigation by the OPA Director, the OPA Director shall make a written statement of the nature
9 of the allegations in the complaint and the reason or reasons why the time limit was exceeded.
10 This requirement applies whether the OPA Director recommended the complaint be sustained,
11 not sustained, or declined to make a recommendation because the time limit had been exceeded.
12 The written statement shall be included in the OPA case file and provided to the Mayor, City
13 Councilmembers, the City Attorney, and the Inspector General, and included in a communication
14 with the complainant and the public.

15 D. The written statements required by this Section 3.29.027 shall not identify named
16 employees or divulge personal information about named employees or anyone else involved in
17 the complaint and shall be subject to any applicable disclosure limitations in state or federal law.
18 The statements shall not affect any discipline decisions; the Chief of Police remains the final ((-))
19 SPD decision-maker in disciplinary actions.

20 E. The OPA Director shall include summaries of the written statements required by
21 this Section 3.29.027 in the OPA Director's reports required by Section 3.29.030. The summaries
22 shall be consistent with any applicable confidentiality requirements in state or federal law.

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

3 Section 14. A new Section 3.29.028 of the Seattle Municipal Code is added to Subchapter
4 I of Chapter 3.29 as follows:

5 **3.29.028 Office of Police Accountability—Staffing**

6 A. The OPA Director and the Deputy Director shall be civilians and, within 18
7 months of the ordinance introduced as Council Bill _____ becoming effective, all
8 investigative supervisors shall be civilian.

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

11 C. Within 12 months of the ordinance introduced as Council Bill _____
12 becoming effective, intake and investigator personnel shall be entirely civilian or a mix of
13 civilian and sworn, in whatever staffing configuration best provides for continuity, flexibility,
14 leadership opportunity, and specialized expertise, and supports public trust in the complaint-
15 handling process.

16 D. All staff shall have the requisite skills and abilities necessary for OPA to fulfill its
17 duties and obligations as set forth in this Chapter 3.29 and for OPA’s operational effectiveness,
18 and no civilian staff shall be required to have sworn experience.

19 E. The OPA Director and the Chief of Police shall collaborate with the goal that the
20 rotations of sworn staff into and out of OPA are done in such a way as to maintain continuity and
21 expertise, professionalism, orderly case management, and the operational effectiveness of both
22 OPA and SPD, pursuant to subsection 3.29.315.H.

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1 F. The appropriate level of civilianization of OPA intake and investigator personnel
2 shall be evaluated by OIG pursuant to Section 3.29.110.

3 G. OPA investigators and investigative supervisors shall receive training by
4 professional instructors outside SPD in best practices in administrative and police practices
5 investigations. OPA investigators and investigative supervisors shall also receive in-house
6 training on current SPD and OPA policies and procedures.

7 Section 15. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance
8 122744, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

9 **3.29.030 Office of Police Accountability—Reporting**

10 A. Timely and informative reporting to the public and its elected officials by OPA is
11 important to sustain public trust, help the City’s police accountability system function
12 effectively, and allow for regular and continuous improvement. The OPA Director shall request
13 CPC’s assistance to make OPA reports readily understandable, and focused on issues and trends
14 of most concern to the public and stakeholders. The reports should be delivered through channels
15 that are easily accessible to the broad public.

16 B. OPA shall maintain a website consistent with City Information Technology
17 standards and shall conduct community outreach to inform the public about the police
18 accountability system and how to access it. OPA’s website shall contain comprehensive,
19 substantive, and timely information on matters of public interest concerning SPD’s
20 accountability system, including information about OIG and CPC and links to their websites.

21 C. OPA shall post online, in a timely manner, summaries of completed
22 investigations, including the allegations, analysis, and findings. Each month, OPA shall
23 distribute, by electronic subscription, a compilation of the completed investigation summaries

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1 from the prior month, noting additionally any investigations for which discipline has been
2 appealed.

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

8 E. OPA shall report quarterly to the Mayor, City Council, OIG, and CPC on the
9 implementation of, or response to, OPA recommendations for Management Actions, Training
10 Referrals, and other policy and practice improvements, providing information on their status and
11 whether follow-through was timely and substantive.

12 F. Each year in June and December, OPA shall provide to OIG status reports
13 regarding (1) all OPA cases that were referred by OPA for possible criminal investigations
14 during the previous six months and (2) all OPA cases that were referred by OPA for possible
15 criminal investigations in earlier periods and for which investigations remained open at any time
16 during the current reporting period. These status reports shall include the nature of the criminal
17 allegation, the case number, the named employee(s), the date of complaint, the timeliness of the
18 criminal investigation, and the current status of the case.

19 G. OPA shall report to complainants and the public on the outcome of any
20 disciplinary appeals or grievance processes that result in the modification of final findings and
21 discipline determinations.

22 H. OPA shall post online and electronically distribute an annual report to the Mayor,
23 City Attorney, City Council, Chief of Police, Inspector General, and CPC, as well as to the City

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1 Clerk for filing as a public record. This report shall describe the work of OPA and include any
2 OPA Director recommendations for changes in policies and practices, collective bargaining
3 agreements, City ordinances, and state law. The annual report shall also detail the
4 implementation status of any previous OPA policy and practice recommendations to SPD or
5 other City departments and agencies not yet fully implemented. The annual report shall also
6 summarize information received from community outreach that has informed its work.

7 I. The OPA Director's annual report shall include the following, which may be
8 modified in consultation with CPC to better help public understanding:

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,
21 lawful and proper;

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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 geographic and shift distribution of incidents underlying complaints;

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

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

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

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

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

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

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1 Section 16. A new Section 3.29.035 of the Seattle Municipal Code is added to Subchapter
2 I of Chapter 3.29 as follows:

3 **3.29.035 Office of Police Accountability—Meetings**

4 A. The OPA Director shall meet with CPC, its committees, and/or staff four times a
5 year, and otherwise as reasonably requested and consistent with the purposes of this Chapter
6 3.29, to provide and receive information concerning SPD and the police accountability system,
7 and the extent to which the purposes and requirements of this Chapter 3.29 are being met. The
8 OPA Director shall review the OPA yearly reports, recommendations, and the implementation
9 status of those recommendations in these meetings with CPC.

10 B. The OPA Director shall meet periodically with the Mayor, City Attorney, City
11 Council, and Chief of Police to advise on the investigatory and disciplinary functions of OPA
12 and SPD and make recommendations to improve OPA and SPD policies and practices, consistent
13 with the purposes of this Chapter 3.29.

14 Section 17. Section 3.28.830 of the Seattle Municipal Code, last amended by Ordinance
15 120728, is renumbered, recodified in Subchapter I of Chapter 3.29, and amended as follows:

16 **3.29.040 Office of Police Accountability—Confidentiality of files and records**

17 The OPA Director shall protect the confidentiality of OPA and SPD files and records to which
18 OPA has been provided access to the extent permitted by applicable law and collective
19 bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in the same
20 manner and to the same degree as the OPA Director would be obligated to protect attorney-client
21 privileged materials under legal and ethical requirements. The OPA Director shall also be bound
22 by the confidentiality provisions of the Criminal Records Privacy Act, chapter 10.97 RCW, and

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1 disclosure limitations under state and federal law. The OPA Director shall not identify the named
2 employee in an OPA investigation in any public report required by this Chapter 3.29.

3 Section 18. Subchapter VIII of Chapter 3.28 of the Seattle Municipal Code is recodified
4 as Subchapter II of Chapter 3.29 and amended as follows:

5 **Subchapter II Office of Inspector General**

6 Section 19. A new Section 3.29.100 of the Seattle Municipal Code is added to Subchapter
7 II of Chapter 3.29 as follows:

8 **3.29.100 Office of Inspector General established—Purpose and authority**

9 A. There is established an independent OIG to provide civilian oversight of the
10 effectiveness and responsiveness of SPD and OPA management and operations, as well as of the
11 accountability and criminal justice system operations and practices that involve SPD or OPA.
12 OIG is an essential component of the checks and balances that comprise the police oversight
13 system.

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

16 C. There shall be a civilian Deputy Inspector General to perform such duties and to
17 have such powers as the Inspector General may prescribe and delegate to implement and
18 efficiently and effectively manage the duties set forth in this Subchapter II. The Deputy Inspector
19 General shall possess the qualifications and subject matter expertise to perform the OPA Auditor
20 and Police Intelligence Auditor duties and responsibilities now subsumed in this Chapter. The
21 Inspector General shall obtain from an outside law enforcement agency a thorough background
22 check of the Deputy Inspector General, prior to the Deputy Inspector General’s appointment to
23 the position.

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1 DE. The work of OIG is intended to further instill confidence and public trust in the
2 effectiveness and professionalism of SPD and in the fairness and integrity of the police
3 accountability system by providing civilian authority to review all aspects of SPD and OPA
4 systems, policies, and practices. OIG shall provide an independent perspective on the efficacy of
5 the policies, procedures, and practices of SPD, OPA, and related City departments and agencies.
6 OIG shall also provide additional professional review of OPA investigations.

7 ED. OIG shall provide objective, third party review of misconduct complaint-handling
8 and investigations, and other OPA activities, and report on the effectiveness, accessibility,
9 timeliness, transparency, and responsiveness of the complaint system.

10 FE. OIG shall have primary responsibility to ensure ongoing fidelity to organizational
11 reforms implemented pursuant to the goals of the Consent Decree to ensure constitutional,
12 accountable, effective, and respectful policing.

13 GF. OIG shall have responsibility to oversee and audit police activities to ensure the
14 ongoing integrity of SPD processes and operations.

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

18 IH. OIG shall have the authority to review and audit policies and practices of other
19 City departments and agencies in areas related to policing and criminal justice matters.

20 Section 20. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter
21 II of Chapter 3.29 as follows:

22 **3.29.105 Office of Inspector General—Independence**

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1 A. The Inspector General and OIG shall exercise their discretionary and oversight
2 responsibilities granted by this Chapter 3.29 without interference from any person, group, or
3 organization, including the Chief of Police, other SPD employees, or other City officials, except
4 that the Inspector General and OIG staff shall be subject to oversight as set forth in this Chapter
5 3.29. City employees or agents who violate these provisions may be subject to dismissal,
6 discipline, or censure consistent with City and state laws.

7 B. The Inspector General shall have authority for the hiring, supervision, and
8 discharge of all OIG staff.

9 C. ~~A budget with sufficient staffing and resources for effective OIG operations shall~~
10 ~~be submitted annually by the Inspector General separate and distinct from the budget of any~~
11 ~~other City department. The City shall provide sufficient professional staff and resources to~~
12 ~~enable OIG to perform all of its duties and responsibilities specified in this Chapter 3.29. An~~
13 ~~annual budget to support effective OIG operations shall be based on not less than a specified~~
14 ~~percentage of SPD’s base budget, with the percentage to be determined by the City Council for~~
15 ~~the capacity needed, using comparable entities or other appropriate metrics. The Inspector~~
16 ~~General shall have budget, workplan, and program control of OIG operations within the scope of~~
17 ~~its budget appropriation. OIG budget shall be submitted as a separate Budget Control Level and~~
18 ~~incorporated into the City budget separate and distinct from any City department’s budget and~~
19 ~~the Inspector General shall have the authority to advocate for resources if necessary during the~~
20 ~~budget process.~~

21 D. Except as prohibited by law, OIG shall have timely, full, and direct access to all
22 relevant City employees, facilities, documents, files, records, and data in OPA, SPD, and other
23 City departments and agencies that are necessary to perform its duties set forth in this Chapter

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1 3.29. Should any City department decline to provide OIG access to documents or data, the
2 declining department shall provide the Inspector General with an itemization describing the
3 documents or data withheld and the legal basis for withholding access to each item. OIG shall
4 have authority to observe reviews, meetings, and trainings, such as SPD administrative
5 investigation unit meetings, disciplinary hearings, or discussions of misconduct complaint
6 investigations.

7 Section 21. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance
8 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

9 **3.29.110 Office of Inspector General—Inspector General**

10 A. The duties of the Inspector General are to:

11 1. Hire, supervise, and discharge OIG employees. OIG staff shall collectively
12 have the requisite credentials, skills, and abilities to fulfill the duties and obligations of OIG set
13 forth in Chapter 3.29.

14 2. Conduct risk management reviews and performance audits, including
15 analysis of sample and aggregate data to establish patterns and trends, of any and all SPD and
16 OPA operations, and criminal justice system operations that involve SPD or OPA. Audits may
17 also be conducted for any areas that may (a) involve potential conflicts of interest; (b) involve
18 possible fraud, waste, abuse, inefficiency or ineffectiveness; (c) undermine accountability or
19 ethical standards; or (d) otherwise compromise the public’s trust in the police or the criminal
20 justice system.

21 3. OIG’s audits and reviews may include any and all police operations, for
22 the purposes of determining whether SPD is meeting its mission to address crime and improve
23 quality of life through the delivery of constitutional, professional, and effective police services

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1 consistent with best practices, and meeting its mission in a way that reflects the values of
2 Seattle’s diverse communities. These audits and reviews may include, but not be limited to:

3 a. All SPD and OPA policies, regulations, practices, budgets, and
4 consultant contracts;

5 b. SPD administrative investigation unit processes, such as force
6 review and collision review;

7 c. SPD crime data and SPD’s overall crime data collection and
8 reporting practices;

9 d. Recruitment, hiring, post-Academy and in-service training,
10 promotions, assignments, use of overtime, secondary employment, deployment, and supervision,
11 including command and front-line supervisory functions;

12 e. The effectiveness of any early intervention or performance
13 mentoring system in supporting improved officer performance and mitigating misconduct;

14 f. Technology and systems of data collection, management, and
15 analysis;

16 g. The acquisition of, uses, and significant changes to tactical
17 equipment, vehicles, facilities and uniforms;

18 h. The accuracy and thoroughness of video recording reviews and the
19 appropriate recording and retention of video recordings;

20 i. Patterns, including disparate impacts, in SPD deployment, uses of
21 force, re-classifications of levels and types of force; stops, arrests, searches, and interactions with
22 those in behavioral crisis;

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1 j. Incidents of significant concern to the public, such as those
2 involving injury or death in police custody or the management of demonstrations;

3 k. Patterns in complaints and misconduct outcomes involving, among
4 other categories, use of force and biased policing;

5 l. Assessment of the fairness, objectivity, certainty, timeliness,
6 consistency, and the appropriate application and effectiveness of imposed discipline in sustained
7 misconduct cases;

8 m. Evaluation of the final outcomes of appeals and grievances and
9 whether overturned findings or discipline, or other settlements, suggest opportunities to improve
10 OPA processes and SPD training;

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

16 o. Evaluation of appropriate SPD records retention, and conformity to
17 public disclosure, open access to information, and privacy standards.

18 4. Review SPD handling of incidents involving death, serious injury, serious
19 use of force, mass demonstrations, serious property or vehicle damage, or other issues as
20 determined by OIG. This may include auditing, monitoring, or other review of SPD’s
21 administrative investigations or reviews of incidents to assess the quality, thoroughness, and
22 integrity of the investigations; assessing the integrity of specific findings from the investigations;
23 and reviewing after-action reports.

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1 a. To fulfill OIG’s monitoring obligations of incidents, the Inspector
2 General or OIG representative(s) designated by the Inspector General, shall have full authority to
3 respond to any incident scene and have access to the scene to the extent that they request it
4 related to its authority as set forth in this Chapter 3.29.

5 b. OIG representative(s) may also attend and participate in SPD
6 administrative investigation unit interviews and meetings held to review Force Investigation
7 Team (FIT) information or discuss any incidents, including those to which scenes OIG has
8 responded, at the Inspector General’s discretion, related to its authority as set forth in this
9 Chapter 3.29.

10 c. Whether at the scene of an incident or in subsequent SPD
11 administrative investigation unit interviews or meetings concerning any incident, OIG
12 representative(s) may identify areas of concern related to its authority as set forth in this Chapter
13 3.29.

14 5. Issue recommendations to improve operations, policies, and practices to
15 address any systemic problems identified in OIG’s performance audits and reviews of specific
16 incidents.

17 6. Review OPA and SPD handling of allegations of misconduct.

18 7. Through semi-annual review, assess the thoroughness, fairness,
19 consistency, and timeliness of OPA complaint-handling for those cases not investigated,
20 including cases directly handled by or referred to supervisors, mediated, or resolved through
21 alternative resolution, and for the timely and substantive follow-through on OPA
22 recommendations for Management Actions and Training Referrals.

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1 8. OIG shall collaborate with the Chief of Police, the OPA Director, and
2 other SPD leadership to strengthen the involvement of supervisory personnel in the
3 accountability system so as to enhance a culture of accountability throughout SPD.

4 9. OIG shall work with the OPA Director and SPD to make disciplinary
5 processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent,
6 and effective as possible and report out to the public on any concerns with or regard to discipline
7 or disciplinary processes. OIG's review of SPD's disciplinary processes shall include an
8 assessment of the merits of models used in other jurisdictions to help ensure consistency and
9 fairness in disciplinary decision-making.

10 10. The Inspector General shall annually evaluate the performance of OPA
11 and its management and leadership, after soliciting public, Mayoral, City Attorney, City Council,
12 Chief of Police, SPD employee, and CPC perspectives.

13 ~~1140.~~ OIG shall review and comment on any revisions proposed by OPA to the
14 OPA 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 ~~1244.~~ Handle complaints involving OPA staff where a potential conflict of
17 interest precludes OPA from handling the complaint.

18 ~~1342.~~ Issue a subpoena if evidence or testimony necessary to perform the duties
19 of OIG set forth in this Chapter 3.29 is not provided voluntarily, in order to compel witnesses to
20 produce such evidence or testimony. If the subpoenaed individual or entity does not respond to
21 the request in a timely manner, the Inspector General may ask for the assistance of the City
22 Attorney to pursue enforcement of the subpoena through a court of competent jurisdiction.

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1 1413. Perform the ~~p~~Police ~~i~~ntelligence ~~a~~Auditor functions defined in Chapter
2 14.12 and, together with the CPC, by the end of the first Inspector General’s initial year, conduct
3 a review and make recommendations to the City Council for any needed revisions to Chapter
4 14.12.

5 1514. Conduct a study by the end of the first Inspector General’s initial year in
6 office to ascertain the effectiveness of OPA’s mixed sworn and civilian staffing arrangements
7 and issue recommendations as to whether further changes are warranted; and thereafter,
8 periodically review, report, and issue recommendations on the efficacy of OPA’s mixed sworn
9 and civilian staffing complement and whether an increased or reduced number of sworn staff is
10 recommended.

11 1615. Advise the Mayor, City Attorney, City Council, Chief of Police, OPA
12 Director, and CPC on issues related to the purposes of this Chapter 3.29, and recommend and
13 promote to policymakers changes to policies and practices, collective bargaining agreements,
14 City ordinances, and state laws in order to support systemic improvements and other
15 enhancements to SPD performance and in furtherance of public trust.

16 1716. Provide technical assistance to CPC, as reasonably requested and
17 consistent with the purposes of this Chapter 3.29.

18 1817. Maintain and promote use of a hotline to receive anonymous reports from
19 the public and City employees regarding issues germane to OIG’s responsibilities pursuant to
20 this Chapter 3.29.

21 1918. Consult with CPC regularly regarding needed OIG informational materials
22 to ensure they are readily understandable and widely available to Seattle’s diverse residents both
23 in English and in translation.

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1 ~~2019~~. Obtain information about community perspectives and concerns germane
2 to OIG’s oversight responsibilities by means including, but not necessarily limited to, seeking
3 support from CPC on community outreach and receiving feedback from CPC on issues surfaced
4 as a result of its community outreach activities.

5 ~~2120~~. The Inspector General shall independently set OIG’s workplan. However,
6 the Inspector General shall meet with CPC annually to review a draft of OIG’s workplan. At this
7 meeting, CPC may identify additional specific areas for investigation and evaluation by OIG that
8 in CPC’s judgment are needed to ensure constitutional policing and public trust in SPD and in
9 related criminal justice practices for inclusion in the annual OIG workplan. OIG’s annual
10 workplan shall also make provision for the investigation and evaluation of emergent issues
11 identified by CPC and other community stakeholders during the year that may not be known at
12 the time that the annual OIG workplan is adopted. Budget constraints of OIG and its need to
13 balance a range of priorities shall be taken into account by OIG in adding areas to its workplan.

14 Section 22. A new Section 3.29.111 of the Seattle Municipal Code is added to Subchapter
15 II of Chapter 3.29 as follows:

16 **3.29.111 Office of Inspector General—Review of OPA classifications**

17 Each quarter, OIG shall conduct a random audit of a statistically significant sample of the
18 classifications of all misconduct complaints from the prior quarter to validate that OPA
19 classifications were appropriately assigned for OPA investigation, Supervisor Action, or an
20 alternative resolution, and that all allegations and employees associated with the complaints were
21 properly identified.

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1 A. The Inspector General shall make recommendations to OPA for remedying any
2 issues noted in its quarterly audit and publicly report the results of the classification audits and
3 any of OIG’s associated recommendations.

4 B. OIG may require that the OPA Director submit each proposed classification
5 decision to OIG for review and input prior to OPA making a final classification determination
6 until such time OIG is satisfied that such increased involvement in classifications is no longer
7 needed and quarterly random audits shall resume.

8 Section 23. A new Section 3.29.112 of the Seattle Municipal Code is added to Subchapter
9 II of Chapter 3.29 as follows:

10 **3.29.112 Office of Inspector General—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 was thorough, timely,
13 objective, and in compliance with the OPA Manual.

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 3.29.112.A.1 be submitted by OPA for review and certification.

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1 3. Other than investigations that involve Type III Force as defined in this
2 Chapter 3.29, if OIG determines that the quality of investigations is such that individual
3 investigation review is no longer needed, OIG may instead require the OPA Director 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 contractual deadlines in order
10 to allow for additional investigation as requested or directed by OIG and still ensure discipline
11 may be imposed should a sustained finding result. OIG shall complete its review of initial and
12 subsequent investigations in a timely manner, so as to also meet contractual deadlines.

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

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 of Police after a due process
21 hearing, the case shall be re-submitted to OIG for re-certification following the additional
22 investigation.

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1 F. After reviewing the investigation, OIG shall document in writing the investigation
2 as (1) certified as thorough, timely, and objective; (2) not certified because the investigation is
3 not thorough, timely, and objective but additional investigation is not requested or directed, and
4 the reason; or (3) not certified because the investigation is not thorough and objective, along with
5 any requested or directed further investigation to be conducted by OPA or a request to meet with
6 the OPA Director to discuss possible further investigation.

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

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

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

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1 H. If OIG determines an investigation is not thorough, timely, or objective, and that
2 additional investigation cannot or did not remedy the concern, the OPA Director must include
3 this determination in the recommended findings and the Chief of Police may take OIG’s non-
4 certification into account in making a final findings determination.

5 Section 24. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance
6 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

7 **3.29.113 Office of Inspector General—Qualifications**

8 The Inspector General shall be a civilian with a background in criminal, civil rights, labor law,
9 governmental investigations, and/or the management of governmental auditing and shall not be
10 required to have law enforcement experience. The Inspector General shall have a demonstrated
11 ability to lead and manage staff in auditing, evaluating, and conducting investigations;
12 conducting financial and performance audits; analyzing and assessing complex aggregate data
13 for patterns and trends; and in recommending systemic improvements to policies and practices to
14 support constitutional policing, ongoing system effectiveness, and police excellence. The
15 Inspector General should also have the following additional qualifications and characteristics:

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

18 B. Knowledge of the responsibilities of law enforcement and a commitment to
19 protect the basic constitutional rights of all affected parties;

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

21 D. A history of leadership experience;

22 E. The ability to relate, communicate, and engage effectively with all who have a
23 stake in policing, including, but not limited to, the general public, complainants, disenfranchised

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1 communities, SPD employees, and relevant City and other officials including the Mayor, City
2 Council, City Attorney, Chief of Police, OPA Director, and CPC;

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

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

7 Section 25. A new Section 3.29.114 of the Seattle Municipal Code is added to Subchapter
8 II of Chapter 3.29 as follows:

9 **3.29.114 Office of Inspector General—Appointment and removal**

10 A. The Inspector General shall be appointed and reappointed by a three-member
11 Special Committee of the City Council. The Special Committee shall select from up to three
12 qualified finalists identified by a search committee through a national process using merit-based
13 criteria. CPC representatives will constitute 25 percent of the search committee, and ~~Aan~~
14 additional CPC representative ~~of CPC~~ shall serve as one of the search committee co-chairs. The
15 Special Committee shall either appoint from among the finalists or initiate a new search. The
16 appointee shall be confirmed by a majority vote of the full City Council. The Special Committee
17 shall consult with CPC prior to reappointments.

18 B. The Inspector General may be appointed for up to two, six-year terms for a total
19 of 12 years. The terms shall be set to commence in years separate from the OPA Director’s term
20 of office. Each term year shall commence on July 1, except for the first term of the first Inspector
21 General appointed pursuant to this Chapter 3.29, which will commence immediately following
22 City Council confirmation. To ensure that the Inspector General’s term ends on a year offset
23 from the expiration of the OPA Director’s term, the first term of the first Inspector General

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1 appointed pursuant to this Chapter 3.29 shall be a five-year term, and will include and not be
2 limited by time served in office after confirmation but prior to July 1. The first Inspector General
3 appointed pursuant to this Chapter 3.29 may serve two subsequent six-year terms.

4 C. Each appointment and reappointment shall be made whenever possible
5 sufficiently prior to the expiration of the latest incumbent's term of office, or the effective date of
6 an incumbent's resignation, permitting City Council action to appoint or reappoint at least 45
7 days before the expiration of the present term or the effective date of the resignation, so as to
8 have a seamless transition without a gap in oversight. If the Special Committee does not make an
9 appointment or reappointment or does not initiate a new search within 90 days of the first day of
10 the expiration of a term or of a vacancy, the Mayor shall appoint the Inspector General subject to
11 confirmation by a majority vote of the full City Council. If the City Council does not confirm the
12 Special Committee's appointee, the Special Committee shall appoint a new Inspector General
13 within 90 days and such appointment shall be consistent with this Section 3.29.114, and subject
14 to confirmation by a majority vote of the full City Council. If the City Council does not act on
15 the Special Committee's appointee within 30 days of the submittal of the nomination to the City
16 Council, the appointee shall be deemed to have been confirmed.

17 D. In the event of a vacancy, the City Council President shall designate an interim
18 Inspector General within ten days after the first day of the vacancy to serve until a new Inspector
19 General is appointed. If the City Council President does not designate an interim Inspector
20 General within ten days of the first day of the vacancy, the City Attorney's Office shall provide
21 notice to the Mayor and the interim Inspector General shall be designated by the Mayor. The
22 interim Inspector General may be either an OIG employee or an individual from outside OIG,
23 but must meet key qualifications in this Section 3.29.114. An Inspector General whose term is

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1 ending may continue on an interim basis until a successor has been confirmed by the City
2 Council. An interim term shall not count as a full term for the purposes of calculating term limits
3 under this Section 3.29.114.

4 E. To strengthen the independence of the Inspector General, the City Council may
5 remove the Inspector General from office only for cause, and in accordance with the following
6 provisions:

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

10 2. Within ten days after receipt of the notice, the Inspector General may file
11 with the City Council President a request for a hearing on the cause for removal. The Inspector
12 General's request for a hearing shall be delivered at the same time to the Mayor, the OPA
13 Director, and to the CPC Executive Director. If such request is made, the City Council shall
14 convene a hearing on the cause for removal not sooner than 30 days and not more than 60 days
15 following the Inspector General's request for a hearing, at which the Inspector General may
16 appear, be represented by publicly-funded counsel, and be heard.

17 3. Following the City Council President's written notice, and any hearing
18 held at the request of the Inspector General, the City Council shall finalize its review of the
19 grounds for removal and vote to approve or not approve the removal within 30 days of the
20 hearing if held, or if no hearing is held, within 30 days of issuing notice of the intended removal,
21 following input from CPC.

22 4. A two-thirds vote of City Council members is required to approve
23 removal.

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1 F. The Seattle Department of Human Resources shall obtain from an outside law
2 enforcement agency a thorough background check of nominees for Inspector General and report
3 the results to the appointing authority, prior to the City Council taking final action on the
4 appointment.

5 Section 26. Section 3.28.860 of the Seattle Municipal Code, last amended by Ordinance
6 122744, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

7 **3.29.115 Office of Inspector General—Reporting**

8 A. OIG shall maintain a website, consistent with City Information Technology
9 standards; and conduct community outreach to inform the public about OIG’s role and scope of
10 responsibilities.

11 B. The Inspector General shall report quarterly to the Mayor, City Council, and CPC
12 on the implementation of, or response to, OIG recommendations for policy and practice
13 improvements, providing information on their status and whether follow-through was timely and
14 substantive.

15 C. To effectuate the purposes of this Chapter 3.29, the Inspector General shall, in
16 addition to the timely publishing of OIG audits and studies, issue an annual public report that
17 summarizes the results of OIG’s evaluation of OPA’s complaint-handling system, a summary of
18 all cases of significant public concern, including the outcome of reviews by SPD units of officer-
19 involved shootings and in-custody deaths and OIG’s review or investigation of any other such
20 incidents affecting public confidence and trust, its analyses of patterns and trends, its
21 performance audits, and its assessment of research and successful practices in other jurisdictions.
22 This report shall include any OIG recommendations for changes in the mix of OPA sworn and
23 civilian staff, policies and practices, collective bargaining agreements, city ordinances, and state

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1 laws. The annual report shall also detail the implementation status of any previous OIG policy
2 and practice recommendations to SPD, OPA, or other City departments and agencies. The annual
3 report shall also summarize information received from its hotline and from community outreach
4 that has informed its work.

5 D. With respect to OIG's oversight of SPD's complaint-handling system, the annual
6 report shall contain a general description of the complaints and cases reviewed, and should
7 include, but not be limited to:

8 1. The number of investigations reviewed, a description of those cases in
9 which OIG did not certify, those cases for which OIG requested or required further investigation,
10 and a description of OPA's follow-up;

11 2. The semi-annual reviews of OPA complaint-handling for cases not
12 investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid
13 Adjudication, Management Actions and Training Referrals;

14 3. A description of any concerns or trends noted in OPA complaint intake
15 and investigations;

16 4. A description of patterns and concerns identified from review of inquests
17 and from review of claims and lawsuits alleging SPD misconduct, including judgments and
18 settlements, units disproportionately represented as subjects of claims and lawsuits, and related
19 training;

20 5. A description of other issues, problems, and trends noted by OIG as a
21 result of OIG's oversight;

22 6. Recommendations that SPD or OPA make policy, practice, training, or
23 procedural changes;

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1 7. Findings from audits of OPA records or the OPA Director’s reports; and

2 8. Other information, as appropriate, including information requested by

3 CPC that would help make reporting as useful as possible to the public.

4 E. The Inspector General shall deliver a preliminary draft of the reports to the Chief
5 of Police, the OPA Director, and other City departments and agencies, as appropriate, for review
6 and comment. They shall review and comment on the preliminary report to the Inspector General
7 within ten days after receipt of the report. They shall not release or distribute the report to others
8 during the review period. The Inspector General shall then issue the final report within ten days
9 after receipt of any comments.

10 F. The Inspector General shall request CPC’s assistance to make OIG reports readily
11 understandable and deliver them through channels that are easily accessible to the broad public.

12 G. OIG shall post online and electronically distribute its reports to the Mayor, City
13 Attorney, City Council, Chief of Police, OPA Director, and CPC, as well as to the City Clerk for
14 filing as a public record.

15 Section 27. Section 3.28.865 of the Seattle Municipal Code, last amended by Ordinance
16 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

17 **3.29.120 Office of Inspector General—Meetings**

18 **A.** The Inspector General shall meet with CPC, its committees, and/or its staff, four
19 times a year, and otherwise as reasonably requested and consistent with the purposes of this
20 Chapter 3.29, to provide and receive information concerning SPD and the police accountability
21 system, and the extent to which the purposes and requirements of this Chapter 3.29 are being
22 met. The Inspector General shall review OIG’s reports, recommendations, and the
23 implementation status of those recommendations in these meetings with CPC.

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1 **BA.** The Inspector General shall meet periodically with the Mayor, City Attorney, City
2 Council, and Chief of Police, to advise on the performance and functions of OPA and SPD and
3 make recommendations to improve OPA and SPD policies and practices, consistent with the
4 purposes of this Chapter 3.29.

5 Section 28. Section 3.28.870 of the Seattle Municipal Code, last amended by Ordinance
6 120728, is renumbered, recodified in Subchapter II of Chapter 3.29, and amended as follows:

7 **3.29.125 Office of Inspector General—Files and records**

8 A. The Inspector General shall protect the confidentiality of OPA and SPD files and
9 records to which OIG has been provided access to the extent permitted by applicable law and
10 collective bargaining agreements, in accordance with the provisions of this Chapter 3.29, and in
11 the same manner and to the same degree as the Inspector General would be obligated to protect
12 attorney-client privileged materials under legal and ethical requirements. The Inspector General
13 shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act,
14 chapter 10.97 RCW, and disclosure limitations under state and federal law. The Inspector
15 General shall not identify the named employee in an OIG audit in any public report required by
16 this Chapter 3.29.

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

19 C. Upon completion of an audit, the Inspector General shall return to the City
20 department or agency all original files, reports, and records to which the Inspector General has
21 been provided access.

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1 Section 29. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified as
2 Subchapter III of Chapter 3.29 and amended as follows:

3 **Subchapter III Community Police Commission**

4 Section 30. A new Section 3.29.200 of the Seattle Municipal Code is added to Subchapter
5 III of Chapter 3.29 as follows:

6 **3.29.200 Community Police Commission established—Purpose and authority**

7 A. One of the cornerstones of effective oversight of law enforcement is community
8 involvement. The purpose of CPC is to provide the public with meaningful participatory
9 oversight of SPD policies and practices of particular significance to the public or affecting public
10 trust in accord with the purposes of this Chapter 3.29 with the goal that police services are
11 delivered in a lawful and nondiscriminatory manner and are in alignment with the values and
12 expectations of the community. The work of CPC is intended to further instill confidence and
13 public trust in the fairness and integrity of the police accountability system and in the
14 effectiveness and professionalism of SPD.

15 B. CPC was originally established by ordinance with responsibilities under a
16 Consent Decree between The City of Seattle and the United States Department of Justice. The
17 responsibilities of CPC under Executive Order 02-2012 and Ordinance 124021 are subsumed in
18 this Chapter 3.29. It is the City’s intention that civilian oversight be enhanced and broadened
19 beyond the scope set forth in the Consent Decree in order to better serve the public.

20 Section 31. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance
21 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

22 **3.29.205 Office of the Community Police Commission—Established**

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1 ((-)) There is created an Office of the CPC. The purpose of the Office of the CPC is to
2 administer and manage the functions of CPC.

3 Section 32. A new Section 3.29.206 of the Seattle Municipal Code is added to Subchapter
4 III of Chapter 3.29 as follows:

5 **3.29.206 Office of the Community Police Commission—Executive Director**

6 A. The ~~term of the~~ current CPC Executive Director appointed pursuant to Subchapter
7 IX of Chapter 3.14 shall ~~expire on December 31, 2018~~ continue in office for a term of six years
8 following enactment of this Ordinance. ~~The current CPC Executive Director may be reappointed~~
9 ~~to subsequent terms consistent with the requirements of this Chapter 3.29.~~

10 B. Executive Director—Appointment

11 1. ~~There shall be an Executive Director, appointed by the Mayor. The~~
12 ~~position of Executive Director shall be exempt from the classified civil service. The term of the~~
13 ~~Executive Director is four years.~~ The CPC shall have an Executive Director who shall be
14 appointed by CPC using merit-based criteria. The position of Executive Director shall be exempt
15 from the classified civil service. The term of the Executive Director is six years. Each CPC
16 Executive Director’s initial appointment is subject to confirmation by the City Council.
17 Reappointment of the CPC Executive Director to successive terms by CPC is not subject to City
18 Council confirmation. If an individual who previously served as CPC Executive Director is
19 appointed after a different individual was confirmed as CPC Executive Director by the City
20 Council that new appointment is subject to City Council confirmation as an initial appointment.
21 CPC shall annually evaluate the performance of the CPC Executive Director, after soliciting
22 perspectives from City officials and community members with whom the CPC Executive
23 Director interacts in the course of performing the CPC Executive Director’s duties.

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1 2. Each Executive Director's initial appointment is subject to confirmation
2 by the City Council. Reappointment of an Executive Director to successive terms ~~by the Mayor~~
3 is not subject to Council confirmation. If an individual who previously served as Executive
4 Director is again appointed after a different individual was confirmed as the Executive Director
5 by the City Council that new appointment is subject to City Council confirmation as an initial
6 appointment.

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

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

18 5. In the event of a vacancy, ~~the Mayor~~ CPC shall designate an interim
19 Executive Director within ten days of the first day of the vacancy. The interim Executive
20 Director shall meet the key qualifications set forth in this Chapter 3.29.

21 C. ~~The Mayor may remove the CPC Executive Director from office only for cause~~
22 ~~and with a majority vote of the City Council.~~ CPC may remove the CPC Executive Director from
23 office only for cause, upon a majority vote of its membership.

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D. The duties of the CPC Executive Director are as follows:

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

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

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

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

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

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

Section 33. A new Section 3.29.210 of the Seattle Municipal Code is added to Subchapter III of Chapter 3.29 as follows:

3.29.210 Community Police Commission—Independence

A. CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities. ~~An annual budget to support sufficient staffing and resources for~~

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1 ~~effective CPC operations shall be submitted annually by the Executive Director separate and~~
2 ~~distinct from the Mayor's budget. The City shall provide sufficient professional staff and~~
3 ~~resources to enable CPC to perform all of its duties and responsibilities specified in this Chapter~~
4 3.29. An annual budget to support effective CPC operations shall be based on not less than a
5 specified percentage of SPD's base budget, with the percentage to be determined by the City
6 Council for the capacity needed, using comparable entities or other appropriate metrics. CPC
7 shall have budget, workplan, and program control of its own operations within the scope of its
8 budget appropriation, and the CPC Executive Director shall receive programmatic direction only
9 from CPC. CPC's budget shall be submitted as a separate Budget Control Level and incorporated
10 into the City budget separate and distinct from the Executive Department's budget and CPC shall
11 have the authority to advocate for resources if necessary during the budget process.

12 B. The CPC Executive Director shall have authority for the hiring, supervision, and
13 discharge of all employees of the Office of the CPC.

14 C. CPC's independence is critical to its ability to perform its oversight role
15 effectively. SPD employees and City officials shall respect the obligation of Commissioners and
16 CPC staff to exercise independent judgment and offer critical analysis. CPC and employees of
17 the Office of the CPC shall exercise their discretionary and oversight responsibilities granted by
18 this Chapter 3.29 without interference from any person, group, or organization, including the
19 Chief of Police, other SPD employees, or other City officials. City employees or agents who
20 violate these provisions may be subject to dismissal, discipline, or censure consistent with city
21 and state laws.

22 D. Without the necessity of making a public disclosure request, CPC may request
23 and shall timely receive from other City departments and agencies, including SPD, information

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1 relevant to its duties under this Chapter 3.29 that would be disclosed if requested under the
2 Public Records Act.

3 Section 34. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance
4 122744, is renumbered, recodified in Subchapter III of Chapter 3.29, and amended as follows:

5 **3.29.215 Community Police Commission—Commission**

6 A. The duties of CPC are to:

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

12 2. Review and comment on any revisions proposed by OPA to the OPA
13 Manual, in accordance with a process established by the OPA Director that provides for
14 consultation and input prior to final adoption of revisions.

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

18 In conducting public outreach, CPC shall be responsible for maintaining connections with
19 representatives of disenfranchised communities and with other community groups in all of the
20 City’s legislative districts, as well as with SPD demographic and precinct advisory councils.

21 CPC shall provide OPA and OIG with community feedback relevant to their operations received
22 as a result of its public outreach activities.

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1 4. Monitor and report on the implementation by City elected officials, SPD,
2 and OPA of policy and practice recommendations made by the OPA Director, the Inspector
3 General, and CPC, including monitoring, tracking, and reporting on the City's budget, state
4 legislative agenda, and collective bargaining agenda as these relate to advocacy for, and
5 implementation of, recommendations by the oversight entities.

6 5. Review and provide input into SPD recruiting, hiring, and promotional
7 practices.

8 6. Meet with the OPA Director and the Inspector General, no less than four
9 times a year, to review information they wish to provide CPC concerning the effectiveness of
10 SPD or any obstacles to the OPA Director's or the Inspector General's abilities to perform their
11 duties.

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

14 8. Appoint co-chair and members to S~~serve as a co-chair~~ on the search
15 committees for OPA Directors and Inspectors General, identify qualified finalists, advise the
16 appointing authority on these appointments, and review and provide input to the appointing
17 authority on the reappointment or removal of OPA Directors and Inspectors General.

18 9. Annually evaluate the performance of OIG and its management and
19 leadership, after soliciting public, Mayoral, City Attorney, City Council, Chief of Police, and
20 SPD employee perspectives.

21 10. Provide input to the Inspector General each year in advance of the
22 Inspector General's evaluation of OPA.

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1 11. Advise the Mayor, City Attorney, City Council, Chief of Police, OPA
2 Director, and Inspector General on issues related to the purposes of this Chapter 3.29, and
3 recommend and promote to policymakers changes to policies and practices, collective bargaining
4 agreements, City ordinances, and state laws in order to support systemic improvements and other
5 enhancements to SPD performance and in furtherance of community trust.

6 1210. Identify and advocate for reforms to state laws that will enhance public
7 trust and confidence in policing and the criminal justice system. Such advocacy may include, but
8 is not limited to, reforms related to the referral of certain criminal cases to independent
9 prosecutorial authorities, officer de-certification, pension benefits for employees who do not
10 separate from SPD “in good standing,” and the standards for arbitrators to override termination
11 decisions by the Chief of Police.

12 1311. Convene an annual meeting to receive public comments and to formally
13 report to the community on the effectiveness of the police accountability system, including
14 providing an update on the implementation status of any previously recommended
15 improvements.

16 1412. Serve as an advisory body to the OPA Director and the Inspector General,
17 identifying problems and recommending improvements to police accountability, including ways
18 to make the system more accessible and transparent to the public.

19 1513. Consult with OPA and OIG on the development, revision, and distribution
20 of public and employee informational materials and on OPA and OIG websites.

21 1614. Collaborate with SPD, OPA, and the City Attorney’s Office in improving
22 system transparency, including improving SPD public disclosure procedures and providing for

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1 timely online posting by OPA of information about the status of investigations and their
2 outcomes.

3 17. Pursuant to subsection 3.29.110.A.13, together with the OIG, by the end
4 of the first Inspector General’s initial year, conduct a review and make recommendations to the
5 City Council for any needed revisions to Chapter 14.12.

6 1815. Pursuant to subsection 3.29.110.A.20, annually review OIG’s workplan
7 and identify specific areas for OIG investigation and evaluation, including emergent issues that
8 arise that in CPC’s judgment are needed to support public confidence in SPD and related
9 criminal justice practices.

10 1916. Review closed OPA investigations and any other SPD or OPA data to
11 identify opportunities for systemic improvements. However, CPC shall not serve as a review
12 board for individual investigations; shall not evaluate or opine on the sufficiency of the evidence,
13 findings, or determinations of any specific OPA investigations; and shall not seek to influence
14 the course or outcome of any specific OPA investigation, or the findings, discipline, or other
15 remedial action recommended or imposed in such cases.

16 2017. Convene meetings with and lead stakeholders in assessing the need for
17 and developing a complainant appeal process that is consistent with employee due process rights,
18 and provide any recommendations adopted by the stakeholder group to policymakers for
19 consideration. If established under City ordinance or policy, CPC shall periodically review the
20 fairness and effectiveness of such civilian appeal process.

21 2118. To the extent not otherwise covered above, continue to fulfill the
22 responsibilities of CPC as set forth in the Consent Decree and Memorandum of Understanding in
23 *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR) until such time as the Consent

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1 Decree ends. Until such time as the Consent Decree ends, the CPC shall prioritize these ongoing
2 responsibilities over any additional responsibilities set forth in this Chapter 3.29.

3 B. Qualifications

4 1. Commissioners shall be respected members of Seattle’s many diverse
5 communities, and include a representative of the Seattle Police Officers Guild (SPOG) and a
6 representative of the Seattle Police Management Association (SPMA). At least two
7 Commissioners shall be graduates of an accredited law school and members in good standing of
8 the Washington State Bar Association, with significant experience in the fields of public defense
9 and civil liberties law. The representatives from SPOG and SPMA should have background
10 relevant to police-community relations and demonstrated connection to the membership of their
11 respective unions. Commissioners shall reside or work in Seattle ~~as set forth in this Section~~
12 3.29.215, and all shall have specific expertise regarding the interests of key constituencies with
13 respect to policing, public safety, or public health in Seattle.

14 2. Collectively, Commissioners shall have a deep understanding of
15 community interests and needs, all shall have general knowledge of police accountability
16 matters, and some shall have extensive subject matter expertise, including in the areas of law
17 enforcement oversight, human rights, civil rights and civil liberties, and cultural competency.
18 Altogether, there shall be a balance that allows CPC as a whole to benefit from the knowledge
19 and expertise of its individual members.

20 3. Commissioners shall be representative of Seattle’s diverse population,
21 drawn from different socio-economic backgrounds and racial and ethnic groups, including
22 immigrant/refugee communities, and from the ~~African American~~, LGBTQ, youth, faith,
23 business, and other communities reflecting the overall demographics of Seattle residents. Some

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1 shall represent or be knowledgeable of the issues of those who are limited-English speakers,
2 homeless, or who have mental illness and substance abuse disorders.

3 4. Individual Commissioners shall have expertise in law enforcement; police
4 accountability; human resources; community engagement; organizational change; constitutional,
5 criminal, or labor law; social justice; training; or other disciplines important to CPC’s work.

6 5. All Commissioners shall have the following qualifications and
7 characteristics:

8 a. A reputation for integrity and professionalism, and for
9 effectiveness in a board or commission role;

10 b. A commitment to and understanding of the need for and
11 responsibilities of law enforcement, including enforcement and care-taking, and the need to
12 protect the basic constitutional rights of all affected parties;

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

15 d. A history of leadership experience and/or deep roots in
16 communities represented;

17 e. The ability to relate, communicate, and engage effectively with all
18 who have a stake in policing, including, but not limited to, the general public, complainants,
19 disenfranchised communities, SPD employees, and relevant City and other officials including the
20 Mayor, City Council, City Attorney, Chief of Police, OPA Director, Inspector General, and other
21 CPC members.

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1 f. An understanding of the city’s ethnic and socio-economic
2 diversity, and proven experience working with and valuing the perspectives of diverse groups
3 and individuals; and

4 g. The ability to exercise sound judgment, independence, fairness,
5 and objectivity, and to carry out Commissioner duties in a manner that ~~is perceived by all who~~
6 ~~have a stake in policing as exercising reflects~~ sound judgment, independence, fairness, and
7 objectivity in an environment where controversy is common.

8 C. Appointment, removal, and compensation

9 1. CPC shall consist of ~~15-19~~ Commissioners, appointed and reappointed as
10 set forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall
11 select five Commissioners, and CPC shall select ~~five-nine~~ Commissioners, including the public
12 defense representative, ~~and~~ the civil liberties law representative, ~~and the SPOG and SPMA~~
13 ~~representatives.~~

14 2. Commissioners serving on the date the ordinance introduced as Council
15 Bill _____ becomes effective may continue in office, pursuant to the provisions outlined in
16 this Section 3.29.215.

17 a. No fewer than 30 days prior to the effective date of the ordinance
18 introduced as Council Bill _____, each presently serving and eligible Commissioner of the
19 previously existing CPC, created by the Consent Decree and Stipulated Order of Resolution
20 Between the United States of America and The City of Seattle and established by Executive
21 Order No. 02-2012 and City of Seattle Ordinance 124021, who wishes to serve on CPC as
22 established by this Chapter 3.29 shall submit a written statement to the Mayor, the City Council
23 President, and the CPC Executive Director indicating that the member wishes to serve on CPC as

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1 established by this Chapter 3.29. Public defender and civil liberties law representatives shall
2 identify themselves as such in their written statements.

3 b. No fewer than 15 days prior to the effective date of this Chapter
4 3.29, the City Attorney or a designee of the City Attorney shall, in a publicly noticed and open
5 meeting, draw numbers to determine the position number for each Commissioner of the
6 previously existing CPC who has indicated they wish to continue to serve. The position numbers
7 to be drawn are 1–2, 4–5, and 7–13. Each Commissioner shall be timely informed of the position
8 number that corresponds to that Commissioner.

9 c. Commissioners in position numbers 1, 4, 7, 10, and 13 shall be
10 appointed, and where applicable, reappointed by the Mayor. Commissioners in position numbers
11 2, 5, 8, 11, and 14 shall be appointed, and where applicable, reappointed by the City Council.
12 Commissioners in position numbers 3, 6, 9, 12, and 15 shall be appointed, and where applicable,
13 reappointed by CPC. Position number 3 shall be designated for the public defense representative
14 and position number 6 shall be designated for the civil liberties law representative.

15 d. Continuing Commissioners who served on the previously existing
16 CPC in position numbers 1 through 5 may serve terms deemed to end on December 31, 2017;
17 continuing Commissioners in position numbers 6 through 10 may serve terms deemed to end on
18 December 31, 2018; and continuing Commissioners in position numbers 11 through 13 may
19 serve terms deemed to end on December 31, 2019.

20 e. Continuing Commissioners are eligible to serve one subsequent
21 three-year term after the expiration of their existing term as set forth in this Section 3.29.215.

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1 f. The term of any presently serving Commissioner who chooses not
2 to serve on CPC as established by Chapter 3.29 shall terminate on the date this ordinance
3 becomes effective.

4 3. Continuing Commissioners shall retain the position numbers established
5 by this Section 3.29.215 and each subsequent Commissioner corresponding to such position
6 number shall be appointed and, where applicable, reappointed by the appointing authority
7 designated for that position.

8 4. Each appointing authority shall provide a process that allows individuals
9 to apply and be considered for appointment, ~~and shall to~~ ensure ~~appointees that they~~ meet the
10 qualifications outlined in this Section 3.29.215 and are selected in a manner that effectuates the
11 bylaws of CPC with respect to its composition. ~~Twelve of the 15 Commissioners must live~~
12 ~~within The City of Seattle and three of the 15 Commissioners may work within but are not~~
13 ~~required to live within the City. Each appointing authority may appoint one of the three~~
14 ~~Commissioners who works within but does not reside within the City. Where a Commissioner~~
15 ~~resides in City of Seattle at the time of appointment but no longer resides in the City during any~~
16 ~~60-day period of a term that Commissioner will not be eligible for reappointment at the~~
17 ~~expiration of the term unless proof of current residency in the City can be established. A change~~
18 ~~in residency to outside of The City of Seattle will not affect the Commissioner’s ability to serve~~
19 ~~the remainder of any pending term.~~ The appointing authorities shall consult with one another
20 prior to making their respective appointments and reappointments. All Commissioners appointed
21 or reappointed by each of the appointing authorities shall be confirmed by a majority vote of the
22 full City Council and shall assume office upon receiving City Council confirmation.

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1 5. All Commissioners appointed to serve on CPC enacted by this Chapter
2 3.29 shall be eligible to serve three three-year terms for a total of nine years, each term
3 commencing on January 1. All terms shall be staggered so than no more than six
4 Commissioners' terms expire in any year. If a Commissioner assumes office mid-term due to a
5 prior vacancy, the Commissioner may complete that term and then be reappointed for up to
6 three, three-year subsequent terms.

7 6. Each appointment and reappointment shall be made whenever possible
8 sufficiently prior to the expiration of the latest incumbent's term of office or the effective date of
9 an incumbent's resignation, permitting City Council action to approve or disapprove the
10 appointment or reappointment, at least 45 days before the expiration of the present term, so as to
11 avoid undue vacancy. All appointments to fill positions due to resignations without notice shall
12 be made as soon as such can reasonably be done, but no later than 90 days after the effective date
13 of the resignation of the latest incumbent. A Commissioner whose term is ending may continue
14 on an interim basis until a successor has been confirmed by the City Council.

15 7. To strengthen the independence of CPC, Commissioners may be removed
16 from office by the appointing authority only for cause. By a three-quarters vote of its
17 membership, CPC may approve removal of Commissioners appointed by CPC. A majority vote
18 of City Council members is required to approve the removal of any Commissioner.

19 8. Commissioners shall be compensated, if at all, as provided by ordinance.

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1 Section 35. A new Section 3.29.220 of the Seattle Municipal Code is added to Subchapter
2 III of Chapter 3.29 as follows:

3 **3.29.220 Community Police Commission—Reporting**

4 A. CPC shall post online and electronically distribute an annual report to the Mayor,
5 City Attorney, City Council, Chief of Police, OPA Director, and Inspector General, as well as to
6 the City Clerk for filing as a public record. This report shall describe the work of CPC in
7 fulfilling the responsibilities detailed in this Chapter 3.29, including:

8 1. The extent to which the purpose, duties, and responsibilities detailed in
9 this Chapter 3.29 have been met;

10 2. The extent to which prior recommendations for improvements to SPD and
11 OPA policies, practices, systems, training, and the accountability system have been
12 implemented; and, if they have not, the reasons;

13 3. Any new CPC recommendations for systemic, training, engagement,
14 policy, and practice changes; and

15 4. Information about CPC’s outreach to SPD employees and the public, and
16 about the perspectives gathered by CPC from such outreach.

17 Section 36. A new Section 3.29.225 of the Seattle Municipal Code is added to Subchapter
18 III of Chapter 3.29 as follows:

19 **3.29.225 Community Police Commission—Meetings**

20 A. Four times a year, and otherwise as reasonably requested and consistent with the
21 purposes of this Chapter 3.29, CPC shall meet with the OPA Director and the Inspector General
22 to provide and receive information concerning SPD and the police accountability system, and the
23 extent to which the purposes and requirements of this Chapter 3.29 are being met.

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1 B. CPC shall periodically meet with the Mayor, City Attorney, City Council, and
2 Chief of Police, to advise on the performance and functions of OPA and SPD, and discuss its
3 work under this Chapter 3.29.

4 C. CPC shall hold regular public meetings, no less than once a month, and establish
5 workgroup subcommittees of its members to meet as necessary.

6 Section 37. A new Subchapter IV, which includes new Sections 3.29.300, 3.29.305,
7 3.29.310, 3.29.315, 3.29.320, 3.29.325, 3.29.330, 3.29.335, 3.29.340, and 3.29.345, is added to
8 Chapter 3.29 of the Seattle Municipal Code as follows:

9 **Subchapter IV Mechanisms to Support Accountability**

10 **3.29.300 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 procedures of any SPD board, unit, or process created to review performance
17 must be approved by the Chief of Police and set forth in the SPD Policy Manual. SPD
18 administrative investigation units shall not make determinations of misconduct or recommend
19 discipline.

20 C. Where cases are referred by OPA to the named employee’s supervisors for
21 follow-through, including training, SPD shall ensure follow-through is timely and substantive.

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

4 E. SPD, OPA, the City Attorney's Office, CPC, and all other City entities shall
5 timely report to the Inspector General, in a manner established by OIG, any new problems or
6 deficiencies not previously reported to OIG related to operations, policies, programs, and
7 practices that would reasonably be expected to adversely affect SPD effectiveness, public safety,
8 police accountability, constitutional policing, or the public's confidence in SPD, and that would
9 be relevant to the duties of OIG.

10 F. As appropriate, the City Attorney shall advise the OPA Director and the Chief of
11 Police of any issues identified through litigation, grievances, or disciplinary appeals to help OPA
12 and SPD make informed improvements to policies and procedures.

13 G. Complaints against any employee of OPA, OIG, or the Office of the CPC where
14 the allegation is discrimination, harassment, retaliation, or any other act that may violate Equal
15 Employment Opportunity laws and policies shall be investigated by the Seattle Department of
16 Human Resources.

17 **3.29.305 Continuous improvement**

18 A. Following the issuance of any written report with recommendations by the OPA
19 Director, the Inspector General, or CPC issued pursuant to this Chapter 3.29, SPD shall meet and
20 confer with and respond in writing to the issuing agency within 30 days following the release of
21 the recommendations. SPD shall provide a plan for implementation of accepted
22 recommendations, including for regular timely written reports on progress made in implementing
23 accepted recommendations, and an explanation for those recommendations not accepted or not

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1 scheduled for implementation. If the lead entity responsible for the implementation is a City
2 department or agency other than SPD, the Director of the Mayor's Office of Policy and
3 Innovation or its successor shall coordinate providing the necessary information to SPD to
4 include in the response. The issuing agency shall be responsible for tracking the status of its
5 recommendations accepted and not accepted. The OPA Director and the Inspector General shall
6 report quarterly to CPC on the status of SPD's response to their recommendations regarding SPD
7 and other City departments and agencies.

8 B. OPA shall meet and confer with the issuing agency following the issuance of any
9 written report with recommendations by the Inspector General or CPC issued pursuant to this
10 Chapter 3.29 and shall respond in writing to the issuing agency within 30 days following the
11 release of recommendations of the Inspector General or CPC, providing a plan for
12 implementation of accepted recommendations, including regular timely written reports on
13 progress made in implementing accepted recommendations, and a rationale or other explanatory
14 information for those recommendations not accepted or scheduled for implementation. The
15 issuing agency shall be responsible for tracking the status of its recommendations accepted and
16 not accepted. The Inspector General shall report quarterly to CPC on the status of OPA's
17 response to OIG's recommendations regarding OPA.

18 C. In consultation with CPC, OIG, and OPA, SPD shall establish a schedule and
19 protocol for regular and timely review of proposed revisions to the SPD Policy Manual for the
20 purpose of ensuring SPD policies are consistent with best practices, including recommendations
21 from the civilian oversight entities. SPD's schedule and protocol shall allow meaningful
22 opportunity for such SPD Policy Manual reviews.

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

5 E. SPD and OIG shall track and report on the efficacy of any performance mentoring
6 or early intervention system, which is designed to proactively identify problems and trigger non-
7 disciplinary coaching and training interventions in order to improve employee performance.

8 F. The City Council shall establish a regular schedule for review of the status of
9 implementation by OPA, SPD, and the City of all recommendations made for improving the
10 police accountability system.

11 G. At the time the Mayor's annual proposed budget is submitted to the City Council,
12 the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector General
13 and the OPA Director, when recommendations requiring City funding issued in reports made in
14 the prior year consistent with the reporting requirements set forth in this Chapter 3.29 by those
15 responsible for implementing the purposes of this Chapter 3.29 are not included for funding in
16 the budget proposal.

17 H. At the time the Mayor's proposed state legislative agenda is presented to the City
18 Council, the Mayor shall notify the City Council and CPC in writing, with copies to the Inspector
19 General and the OPA Director, when associated recommendations made by those responsible for
20 implementing the purposes of this Chapter 3.29 are not included in the proposed state legislative
21 agenda.

22 I. The City's Office of Intergovernmental Relations shall consult with OPA, the
23 Inspector General, and CPC during the development of the City's state legislative agenda.

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1 J. Each year in June and December the City Attorney's Office shall provide the
2 OPA Director and Inspector General status reports regarding (1) all OPA cases in which the
3 findings or discipline have been appealed during the previous six months and (2) all OPA cases
4 in which the findings or discipline have been appealed in earlier periods and that remained open
5 at any time during the current reporting period. These status reports shall include all OPA cases
6 not yet closed due to appeal, the case number, the named employee(s), the date of complaint, the
7 date of disciplinary action, the Chief of Police disciplinary decision, the date of appeal, the
8 nature of the appeal, and the current status of the case, including any modification to the case
9 disposition as a result of appeal.

10 **3.29.310 Disciplinary, grievance, and appeals policies and processes**

11 A. SPD and City disciplinary, grievance, and appeal policies and processes shall be
12 timely, fair, consistent, and transparent.

13 1. SPD shall track all records of Chief of Police disciplinary determinations.
14 The OPA Director and the Inspector General shall have unfettered access to this information, and
15 SPD shall report on disciplinary patterns in such a way that the public can assess whether the
16 Chief of Police is exercising disciplinary authority in a fair and consistent manner.

17 2. To help ensure timeliness, ~~there shall be set and enforceable~~
18 ~~timeframes~~ the following deadlines shall apply to the disciplinary and appeal processes: for any
19 ~~named employee to be notified by SPD of proposed findings and discipline, for any named~~
20 ~~employee and/or the named employee's union representative to request a due process hearing,~~
21 ~~for the Chief of Police to issue a final finding and disciplinary decision, and for any named~~
22 ~~employee to file an appeal.~~

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- 1 a. OPA shall complete investigations within the period set forth in Section
2 3.29.026 of this Ordinance.
- 3 b. SPD shall provide a copy of any proposed Disciplinary Action Report or
4 successor disciplinary action document to the affected employee via
5 electronic communication. If the employee seeks a due-process meeting
6 with the Chief of Police or the Chief's designee, he or she must
7 communicate that request to the Chief's office electronically within 10
8 days of the date of receipt of the disciplinary action document.
- 9 c. The Chief or the Chief's designee shall hold the due-process meeting
10 within 30 days of the employee's request.
- 11 d. The Chief or the employee may request one reasonable postponement of
12 the due-process meeting, not to exceed two weeks from the date of the
13 originally scheduled meeting.
- 14 e. The Chief shall issue a final disciplinary decision within two weeks of
15 the due-process meeting. This decision may be delivered electronically,
16 with an electronic copy sent to the employee's collective bargaining
17 representative.
- 18 f. An employee may appeal a disciplinary decision as set forth in SMC
19 Chapter 4.08.
- 20 a.g. The Public Safety Civil Service Commission (PSCSC) shall adhere to
21 the timelines set forth in SMC Chapter 4.08.

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

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

9 5. ~~No disciplinary action will result from a complaint of misconduct where~~
10 ~~the complaint is made to OPA more than three years after the date of the incident which gave rise~~
11 ~~to the complaint, except where the OPA complaint alleges criminal conduct or alleges that the~~
12 ~~named employee has concealed acts of misconduct~~Discipline shall not be imposed for minor
13 misconduct as defined in SPD policy at the time of the alleged misconduct if the alleged
14 misconduct occurred more than three years prior to the complaint being made or SPD or OPA
15 becoming aware of the alleged misconduct. For all other misconduct, there shall be no time
16 limitation on the imposition of discipline.

17 6. ——— The Disciplinary Review Board is abolished.

18 6. All appeals related to employee discipline shall be governed by this
19 Chapter, SMC 3.29, and SMC 4.08. Only appeals for which the hearing has already been
20 scheduled prior to the effective date of this Ordinance—including Disciplinary Review Board
21 proceedings for officers and sergeants, and arbitration proceedings for lieutenants and captains—
22 shall continue in accordance with the relevant contractual or legislated procedures. After the
23 effective date of this Ordinance, disciplinary appeals may proceed only under this Chapter.

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7. Public Safety Civil Service Commission

a. All appeals related to SPD employee discipline shall be open to the public and shall be heard by the Public Safety Civil Service Commission (PSCSC), shall be the only avenue for SPD employee disciplinary appeals when brought by the employee. Disciplinary appeals when brought by a law enforcement labor union on the employee’s behalf are heard pursuant to the procedure set forth in subsection 3.29.310.A.8.

b. The PSCSC shall be ~~comprised~~composed of three ~~members~~Commissioners, none of whom shall be City employees or prior SPD employees, who are selected and qualified in accordance with SMC 4.08.040(A). The terms of Commissioners who are holding their office on the effective date of this Ordinance shall end immediately. Current Commissioners, may, however, be reappointed by the Mayor or the Council in accordance with this Ordinance and SMC 4.08.040(A). Two members shall be appointed by the Mayor and one member shall be appointed by the City Council. Members shall be selected using merit-based criteria and shall have appropriate expertise and objectivity regarding disciplinary and promotional decisions. Members may serve up to three, three-year terms, and their terms shall be staggered. The PSCSC may delegate its authority to hear appeals to a City hearing examiner with appropriate subject matter expertise. Employees must provide written notification of their intent to appeal to the Chief of Police, City Attorney, and the PSCSC within ten days of receiving the Chief’s final disciplinary determination. All hearings related to disciplinary appeals shall be open to complainants and the public.

8. ~~Where a Seattle law enforcement union challenges the imposition of discipline based on an alleged violation of the terms and conditions of a collective bargaining agreement, such challenge shall be heard through the City Hearing Examiner.~~

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

8 9.8. SPD employees shall not use any type of accrued time balances to be
9 compensated while satisfying a disciplinary penalty that includes an unpaid suspension.

10 ~~10.—Challenges by SPD employees to disciplinary decisions shall be handled~~
11 ~~through the appeal process described in this Section 3.29.310. Challenges by employees to all~~
12 ~~other administrative actions or working conditions shall be handled exclusively through a~~
13 ~~separate employee grievance process as determined by collective bargaining.~~

14 11.9. 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 ~~12.—All appeal hearings shall be held within a set timeframe from when the~~
18 ~~Chief of Police issues final findings and discipline, and all appeal rulings shall be issued within a~~
19 ~~set timeframe from the hearing.~~

20 13.10. The Chief of Police shall notify in writing the Washington State Criminal
21 Justice Training Commission (WSCJTC) when any sworn employee is terminated from
22 employment, or who would have been terminated from employment had separation not already
23 occurred, whenever the nature of the employee’s misconduct qualifies for de-certification under

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1 state law. The notification shall include the facts and circumstances of the termination and any
2 other information necessary to provide the evidentiary basis for the Chief’s disciplinary decision
3 so as to allow the WSCJTC to have a full and complete record when deciding whether de-
4 certification is appropriate.

3.29.315 Recruitment, hiring, assignments, promotions, and training

6 A. SPD shall develop and implement recruitment, hiring, testing, training, mentoring,
7 assignment, and promotional practices that emphasize leadership and policing skills consistent
8 with accountability, which support equity and the goals set forth in the Consent Decree. SPD
9 shall evaluate and report on how effective its processes are in meeting community needs for a
10 diverse work force, including the relevance of traditional disqualifying factors and the swiftness
11 of decision-making, to assess if there are unfair impediments to hiring and retaining diverse and
12 skilled officers.

13 B. In developing and implementing the recruitment, hiring, testing, training,
14 mentoring, assignment, and promotional practices referenced in subsection 3.29.315.A, SPD
15 shall consult with CPC and may obtain guidance from other community stakeholders.

16 C. To support operational efficiency and excellence, SPD may use civilians with
17 specialized skills and expertise to perform any SPD management and operational functions,
18 including, but not limited to, training, human resources, technology, budget and finance, crime
19 analysis, recruiting, hiring, and testing, which in the judgment of the Chief of Police do not
20 require law enforcement commissioned personnel, allowing SPD the ability to more flexibly
21 deploy civilian and sworn resources to best meet both its administrative and law enforcement
22 needs.

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1 D. SPD shall use preference points in hiring sworn employees who are multi-lingual
2 and/or have work experience or educational background providing important skills needed in
3 modern policing, such as experience working with diverse communities, and social work, mental
4 health or domestic violence counseling, or other similar work or community service
5 backgrounds.

6 E. After consulting with and receiving input from OIG, SPD shall establish an
7 internal office, directed and staffed by civilians, to manage the secondary employment of its
8 employees. The policies, rules, and procedures for secondary employment shall be consistent
9 with SPD and City ethical standards, and all other SPD policies shall apply when employees
10 perform secondary employment work.

11 F. SPD shall adopt consistent standards that underscore the organizational
12 expectations for performance and accountability as part of the application process for all
13 specialty units, in addition to any unique expertise required by these units, such as field training,
14 special weapons and tactics, crime scene investigation, and the sexual assault unit. In order to be
15 considered for these assignments, the employee’s performance appraisal record and OPA history
16 must meet certain standards and SPD policy must allow for removal from that assignment if
17 certain triggering events or ongoing concerns mean the employee is no longer meeting
18 performance or accountability standards.

19 G. SPD shall ensure that its “take-home” policy for SPD vehicles, and the
20 opportunities for assignments that provide additional financial remuneration, are consistent with
21 values of accountability and effective use of taxpayer resources.

22 H. The Chief of Police shall collaborate with the OPA Director with the goal that
23 sworn staff assigned to OPA have requisite skills and abilities and with the goal that the rotations

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1 of sworn staff into and out of OPA are done in such a way as to maintain OPA's operational
2 effectiveness. To fill such a sworn staff vacancy, the Chief of Police and the OPA Director
3 should solicit volunteers to be assigned to OPA for two-year periods. If there are no volunteers
4 or the OPA Director does not select from those who volunteer, the Chief of Police shall provide
5 the OPA Director with a list of ten acting sergeants or sergeants from which the OPA Director
6 may select OPA personnel to fill intake and investigator positions. Should the OPA Director
7 initially decline to select personnel from this list, the Chief of Police shall provide the OPA
8 Director with a second list of ten additional acting sergeants or sergeants for consideration. If a
9 second list is provided, the OPA Director may select personnel from either list, or from among
10 volunteers.

11 I. SPD shall collaborate with OPA and OIG in the development and delivery of SPD
12 in-service training related to the accountability system.

13 **3.29.320 Public disclosure, data tracking, and record retention**

14 A. SPD and the City Attorney's Office shall work with OPA to release information
15 associated with OPA cases as quickly and with as much transparency as legally and practically
16 possible.

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

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

5 D. SPD shall track and document OPA cases referred from the OPA Director to the
6 Chief of Police in OPA and SPD data systems.

7 E. All SPD personnel and OPA case files shall be retained as long as the employee is
8 employed by the City, plus either six years or as long as any action related to that employee is
9 ongoing, whichever is longer. SPD personnel files shall contain all associated records, including
10 Equal Employment Opportunity complaints, and disciplinary records, litigation records, and
11 decertification records; and OPA complaint files shall contain all associated records, including
12 investigation records, Supervisor Action referrals and outcomes, Rapid Adjudication records,
13 and referrals and outcomes of mediations. Records of written reprimands or other disciplinary
14 actions shall not be removed from employee personnel files.

15 F. For sworn employees who are terminated or resign in lieu of termination, such
16 that the employee was or would have been separated from SPD for cause and at the time of
17 separation was not “in good standing,” SPD shall include documentation in SPD personnel and
18 OPA case files verifying (1) a letter was sent by SPD to the WSCJTC regarding de-certification
19 and consistent with the requirements set forth in subsection 3.29.310.A.13; (2) whether action
20 was taken by the WSCJTC in response to that letter; (3) that the Chief of Police did not and will
21 not grant the employee authorization to serve in a Special Commission capacity, as a reserve
22 officer or as a retired officer in a private company that provides flagging, security, or related
23 services; and (4) that the Chief did not or will not grant any request under the Law Enforcement

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1 Officers Safety Act to carry a concealed firearm. The latter two actions shall also be taken and
2 documentation included in the SPD personnel and OPA case files whenever a sworn employee
3 resigns or retires with a pending complaint and does not fulfill an obligation to fully participate
4 in an OPA investigation.

5 **3.29.325 Criminal cases**

6 A. The City Attorney shall establish a protocol with the King County Prosecutor to
7 refer, whenever possible, criminal cases in which police misconduct resulted in the death of a
8 civilian to prosecutors not affiliated with the City or King County.

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

13 **3.29.330 Collective bargaining and labor agreements**

14 A. Those who provide civilian oversight of the police accountability system shall be
15 consulted in the formation of the City's collective bargaining agenda and during the bargaining
16 process with the City's police unions for the purpose of ensuring their recommendations with
17 collective bargaining implications are thoughtfully considered and the ramifications of
18 alternative proposals are understood. These individuals shall be subject to the same
19 confidentiality provisions as any member of the Labor Relations Policy Committee.

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

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

6 **3.29.335 Policy initiatives and updates**

7 A. SPD administrative investigation units, including the Force Review Board, shall
8 maintain a schedule of review that limits the duration of each incident review to 90 days.

9 B. A policy setting the requirements for body-worn cameras will be developed
10 consistent with the Fourth Year Monitoring Plan submitted in the matter of *United States of*
11 *America v. City of Seattle*, 12 Civ. 1282 (JLR), and in consultation with the United States of
12 America, the Monitor and community stakeholders, and will be submitted to the United States
13 District Court for its consideration and approval.

14 **3.29.340 Public statements**

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

21 **3.29.345 Protection of civilian oversight entities**

22 A. Retaliation by adverse employment action or harassment against OPA and OIG
23 employees, against employees of the Office of the CPC or CPC Commissioners, or against

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

14 B. No City employee or official shall interfere with the independence or the
15 performance of the duties and responsibilities of the OPA Director, OPA staff, the Inspector
16 General, OIG staff, CPC Commissioners, the CPC Executive Director, or employees of the
17 Office of the CPC. Any City employee or official who violates this provision is subject to
18 dismissal, discipline, or censure consistent with applicable law. The lawful invocation of the
19 Fifth Amendment right against self-incrimination is not interference.

20 B.C. Each oversight entity is authorized to legally represent itself, including, as
21 necessary, retaining outside, private legal counsel in any legal matter, enforcement action, or
22 court proceeding, when it determines that the City Attorney's Office would have a conflict in
23 representing its interests. The City shall provide sufficient funding for legal services separate

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1 from the oversight entity’s operational budget. There shall be a pre-determined protocol for
2 retaining independent legal counsel for each oversight entity for this purpose.

3 Section 38. A new Subchapter V, which includes new Sections 3.29.400 and 3.29.401, is
4 added to Chapter 3.29 of the Seattle Municipal Code as follows:

5 **Subchapter V Construction and Implementation**

6 **3.29.400 Construction**

7 A. The collective bargaining agreements with the City’s police unions shall be
8 updated to conform and be consistent with the provisions and obligations of this Chapter 3.29.

9 Additional agreements, practices, and policies in existence on the effective date of this
10 Ordinance shall be revised to ensure they are consistent with this Ordinance or shall otherwise be
11 abrogated.

12 B. Any provision of this Chapter 3.29 that requires collective bargaining shall not
13 become effective until the City satisfies its collective bargaining obligations under the Public
14 Employees’ Collective Bargaining Act, chapter 41.56 RCW, or the City and the affected police
15 union(s) mutually agree that the provision may be implemented.

16 C. In the event of a conflict between the provisions of this Chapter 3.29 and any
17 other City ordinance, the provisions of this Chapter 3.29 shall govern.

18 D. It is the express intent of the City Council that, in the event a subsequent
19 ordinance refers to a position or office that was abolished by the ordinance introduced as Council
20 Bill _____, that reference shall be deemed to be the new position or office created by the
21 ordinance introduced as Council Bill _____, and shall not be construed to resurrect the old
22 position or office unless it expressly so provides by reference to the ordinance introduced as
23 Council Bill _____.

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1 E. It is the express intent of the City Council that, in the event a subsequent
2 ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a
3 previously enacted ordinance that is amended or recodified in the ordinance introduced as
4 Council Bill _____, but the later ordinance fails to account for the change made by the
5 ordinance introduced as Council Bill _____, the two sets of amendments should be given
6 effect together if at all possible. The code reviser may publish the section or subsection in the
7 official code with all amendments incorporated therein.

8 F. The terms and provisions of this Chapter 3.29 are not retroactive and shall apply
9 only to those rules, orders, actions or proceedings that occur, or have been initiated, on or after
10 the effective date of the ordinance introduced as Council Bill _____.

11 G. Nothing in this Chapter 3.29 creates or is intended to create a basis for any private
12 cause of action.

13 H. The provisions of this Chapter 3.29 are declared to be separate and severable. The
14 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter
15 3.29, or the invalidity of its application to any person or circumstance, does not affect the
16 validity of the remainder of this Chapter 3.29, or the validity of its application to other persons or
17 circumstance.

18 **3.29.401 Implementation**

19 A. Until the ordinance introduced as Council Bill _____ takes effect, the current
20 accountability system shall remain in place, consistent with provisions of the Consent Decree in
21 the matter of *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR).

22 B. The ordinance introduced as Council Bill _____ shall take effect and be in
23 force within 30 days of the last of the following taking place: (1) review and approval of the

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1 ordinance by the United States District Court for the Western District of Washington presiding
2 over the Consent Decree in the matter of *United States of America v. City of Seattle*, 12 Civ.
3 1282 (JLR); (2) passage by the City Council; (3) if applicable, resubmittal to and re-approval by
4 the United States District Court of adopted legislation containing terms previously dis-approved
5 by the Court or new terms not yet reviewed; and (4) ultimate approval by the Mayor. If not
6 approved and returned by the Mayor within ten days after presentation, it shall take effect as
7 provided by Section 1.04.020.

