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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to civilian oversight of the police; amending Chapter 3.14 of the Seattle Municipal Code (SMC); recodifying Subchapters VII, VIII, and IX of Chapter 3.28 of the SMC; repealing certain Sections within Chapter 3.28 of the SMC; and adding a new Chapter 3.29 to the SMC.

..body

WHEREAS, in 1992, The City of Seattle (City) began civilian oversight of the Seattle Police Department by creating the position of Auditor, a civilian with legal expertise to independently review internal investigations conducted by the Seattle Police Department; and

WHEREAS, in 1999, the City convened the Citizens’ Review Panel, and implemented its recommendations to extend civilian oversight by creating the Office of Professional Accountability, led by a civilian Director, to replace the Internal Investigations Unit responsible for receiving, initiating, and investigating complaints of misconduct by Seattle Police Department personnel; and

WHEREAS, in 2007, the City convened the Police Accountability Review Panel, and implemented its recommendations to further strengthen the civilian oversight of police by clarifying the roles of the OPA Director, the OPA Auditor, and the OPA Review Board, and expanding the duties of the OPA Auditor; and

WHEREAS, these improvements helped strengthen the police accountability system, but did not include oversight of broader systemic policing issues of concern to the community; and

1 WHEREAS, those responsible for civilian oversight issued recommendations drawing the City's  
2 attention to needed improvements beyond the accountability system in many areas,  
3 including use of force, in-car video, de-escalation, supervisory responsibilities, and  
4 interactions with juveniles and those in behavioral crisis, that were not implemented; and

5 WHEREAS, in 2010, the American Civil Liberties Union of Washington, joined by 34  
6 community groups, petitioned the U.S. Department of Justice to investigate the Seattle  
7 Police Department regarding long-standing community concerns about excessive use of  
8 force and bias; and

9 WHEREAS, in 2011, in response to the community's request, the U.S. Department of Justice  
10 conducted an investigation and found a pattern and practice of excessive force warranting  
11 federal intervention; and

12 WHEREAS, in 2012 the City entered into a Settlement Agreement and Memorandum of  
13 Understanding with the U.S. Department of Justice that included federal court oversight  
14 to ensure the City implemented required improvements and corrections to Seattle Police  
15 Department policies, practices, training and systems; and

16 WHEREAS, that Settlement Agreement also required creation of a Community Police  
17 Commission with members broadly representative of Seattle's diverse communities,  
18 including law enforcement, and with skills and expertise in police practices and historical  
19 issues affecting police-community relations; and

20 WHEREAS, in 2012, the City Council established the Community Police Commission by  
21 Ordinance 124021, with responsibilities outlined in the Settlement Agreement and  
22 Memorandum of Understanding for the duration of the Consent Decree process; and

1 WHEREAS, pursuant to the Settlement Agreement and Memorandum of Understanding, the  
2 Community Police Commission is the lead entity in the Settlement Agreement process  
3 for assessing and making recommendations about the City's police accountability system,  
4 was directed to participate in development and revision of certain SPD policies, and has  
5 demonstrated utility in providing a community perspective on other critical issues  
6 important to public trust in the Police Department; and

7 WHEREAS, the Community Police Commission initially was authorized only for the duration of  
8 the Consent Decree process; and

9 WHEREAS, during the course of oversight the OPA Auditor issued a number of  
10 recommendations for improvement of the accountability system and related SPD  
11 practices, and in the first quarter of 2014 additionally identified and made  
12 recommendations to address a number of significant problems in the Seattle Police  
13 Department disciplinary system; and

14 WHEREAS, in the first quarter of 2014, pursuant to its mandated obligations, the Community  
15 Police Commission reviewed and endorsed the recommendations by the OPA Auditor  
16 and issued additional recommendations for strengthening the independence and  
17 sustainability of the accountability system; and

18 WHEREAS, to be effective, civilian oversight must continually improve to best meet the needs  
19 of the community, and Subchapters VII, VIII, and IX in SMC Chapter 3.28 related to  
20 police accountability have not been updated since 2008 to reflect operational  
21 improvements made in response to recommendations since then and ensure they are  
22 sustained over time; and

1 WHEREAS, across the country, there is a wide range of structures for civilian oversight of  
2 police, including civilian commissions that control all aspects of police management;  
3 civilian disciplinary review boards; independent inspector generals, and other models;  
4 and

5 WHEREAS, the City's accountability model pre-dating the Community Police Commission,  
6 using a civilian-led internal investigations unit, an independent auditor with legal  
7 expertise reviewing how complaints and investigations are conducted, and a community  
8 board, provides many strengths other models of oversight do not, but has resulted in gaps  
9 where community expectations have not been met; and

10 WHEREAS, a critical current gap is the inability of the community to offer direct input and  
11 perspective to a range of policing matters of significance to the public beyond what is  
12 traditionally thought of as "the accountability system," such as SPD policies, training, or  
13 practices on bias-free policing, stops and searches, video recording, demonstration  
14 management, interactions with those in behavioral crisis, interactions with juveniles, use  
15 of surveillance technology, secondary employment, public disclosure, and use of force;  
16 and

17 WHEREAS, it will enhance civilian oversight to provide clear responsibility and authority for  
18 reviewing and ensuring improvement to police practices in addition to those specific to  
19 the accountability system; and

20 WHEREAS, the City intends to honor all of its collective bargaining obligations under the Public  
21 Employees' Collective Bargaining Act, RCW Ch. 41.56; and

1 WHEREAS, it is the City Council's intent to provide for a more comprehensive, independent,  
2 and integrated approach to civilian oversight of the Seattle Police Department; NOW,  
3 THEREFORE,

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

5 Section 1. Subchapter IX of Chapter 3.14 of the Seattle Municipal Code

6 Section 2. A new Chapter 3.29 is added to the Seattle Municipal Code as follows:

7 **Chapter 3.29 CIVILIAN OVERSIGHT OF POLICE**

8 **3.29.005 Purpose - Enhancing and sustaining effective civilian oversight**

9 Because the police are granted extraordinary power, including the use of force and the  
10 authority to constrain personal liberty, and civilian oversight of police is critically important to  
11 enhancing the trust, respect, and confidence of the community, it is the City's intent to ensure by  
12 law rather than solely by policy or directive a comprehensive, independent, and sustained  
13 approach to civilian oversight of the Seattle Police Department. It is the purpose of this Chapter  
14 3.29 to provide the authority necessary for that oversight to be as effective as possible.

15 Section 3. Subchapter VII of Chapter 3.28 of the Seattle Municipal Code is recodified as  
16 Subchapter I of Chapter 3.29 and titled as follows:

17 **Subchapter ~~((VII))~~I Office of ~~((Professional))~~ Police Accountability**

18 Section 4. Section 3.28.800 of the Seattle Municipal Code, last amended by Ordinance  
19 122744, is recodified as Section 3.29.010 within Subchapter I of Chapter 3.29 and amended as  
20 follows:

21 ~~((3.28.800))~~3.29.010 Office of ~~((Professional))~~ Police Accountability ~~((created))~~ established -  
22 ~~((Functions))~~ Purpose and authority~~((-))~~

1           A.     There is ~~((created))~~ established as a separate and independent office of the City  
2 ~~((within the Seattle Police Department-))~~ an Office of ~~((Professional ))~~ Police Accountability  
3 (OPA) ((hereinafter "OPA") ) to ~~((receive and investigate complaints of misconduct by Seattle~~  
4 ~~Police Department personnel. The responsibilities of the OPA include the following areas:~~  
5 ~~regularly advising the Chief, as well as the Mayor and City Council, on all matters involving the~~  
6 ~~Police Department's investigatory and disciplinary functions and on Police Department policies~~  
7 ~~and practices related to police accountability and professional conduct; evaluating the internal~~  
8 ~~investigation process; and, making recommendations on strategies and policies to improve~~  
9 ~~complaint gathering and investigative procedures))~~ provide oversight, guidance, and leadership  
10 in matters related to police accountability for the Seattle Police Department (SPD) to strive to  
11 ensure that the actions of SPD employees are Constitutional; comply with federal, state, and  
12 local laws, and City and SPD policies; and are respectful, effective, and conducive to the public  
13 good. The work of the OPA is intended to instill confidence and public trust in the fairness and  
14 integrity of the police accountability system and in the effectiveness and professionalism of SPD.

15           B.     OPA shall be organizationally housed in SPD, but must be as operationally  
16 independent of SPD as possible in all respects to enhance public trust and confidence in OPA's  
17 independence and impartiality. The reason OPA will be an office within SPD is to increase and  
18 strengthen OPA's capacity by providing it access to SPD resources, including unfettered and  
19 immediate access to all relevant SPD data systems, personnel, and evidentiary information  
20 necessary for thorough investigations, and to benefit from the insights of sworn personnel in the  
21 investigative process.

1           C.     The OPA Director shall be a civilian and together with the Independent Police  
2 Accountability Auditor and the Community Police Commission (CPC), provide civilian  
3 oversight of police conduct and practices.

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

7           E.     OPA shall receive and have the authority to initiate complaints of misconduct or  
8 policy violations against SPD employees, and resolve those complaints through investigation,  
9 mediation, Supervisor Action, and/or other problem-solving alternatives that provide effective  
10 solutions and help reduce future misconduct or policy violations.

11          F.     OPA shall have the authority to audit and review all administrative investigation  
12 processes at SPD.

13          G.     OPA shall audit administrative investigations of lower level policy violations  
14 conducted, in accordance with SPD policy, by supervisors, to assess their completeness, fairness,  
15 consistency, and appropriateness. OPA has the discretion to investigate any specific policy  
16 violation it chooses, regardless of the seriousness. The goal is that all policy violations are  
17 appropriately addressed, and that OPA focuses its investigative resources on less routine  
18 allegations or cases that require a higher level of expertise, but that OPA have general oversight  
19 of all accountability systems at SPD.

20          H.     OPA shall identify and make recommendations to correct systemic problems in  
21 SPD policies, training, supervision, and management, identified in the course of OPA's  
22 investigation of possible misconduct or policy violations, or other obligations under this Chapter  
23 3.29, to help improve SPD standards and enhance employee conduct.

1           I.       OPA shall work with SPD to make disciplinary processes be as fair, objective,  
2 certain, timely, and effective as possible, and shall report out to the public on any concerns with  
3 regard to discipline or disciplinary processes.

4           J.       OPA shall support the appropriate role of SPD line supervisors in the  
5 accountability system, including their responsibilities to mentor employees and to investigate,  
6 document, and address low-level minor policy violations, performance, and customer service  
7 concerns at the precinct or unit level.

8           K.       OPA shall work with SPD and the City Attorney's Office to help reduce or  
9 prevent misconduct through identification of trends or patterns arising through complaints,  
10 investigations, and lawsuits, and, without waiving any attorney-client privilege, shall report to  
11 the public recommendations made by OPA to City officials based on those patterns or trends.

12           L.       OPA shall work with SPD and the City Attorney's Office to release information  
13 associated with police misconduct or policy violation cases as quickly and with as much  
14 transparency as legally and practically possible.

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

17           Section 5. Section 3.28.805 of the Seattle Municipal Code, last amended by Ordinance  
18 122744, is recodified as Section 3.29.015 within Subchapter I of Chapter 3.29 and amended as  
19 follows:

20 ~~((3.28.805))~~**3.29.015 ((Definitions.)) Office of Police Accountability – Access and**  
21 **independence**

22           A.       ~~(("OPA complaint" refers to a complaint assigned to the Office of Professional~~  
23 ~~Accountability for investigation.))~~ The OPA Director and OPA staff shall exercise their



1 discretionary and investigatory responsibilities without interference from any person, group, or  
2 organization, including the Chief of Police, other SPD employees, or other City officials.

3 B. ((“OPA investigation” and “complaint investigation” refer to an investigation of  
4 an OPA complaint conducted by the Office of Professional Accountability.)) The OPA Director  
5 shall have authority for hiring and supervision of all civilian staff and for the supervision of all  
6 sworn staff. The OPA Director shall approve the initial assignment of any sworn staff to OPA.  
7 All OPA staff shall have requisite skills and abilities conducive to the operational effectiveness  
8 of OPA. Except in unusual circumstances, rotation of sworn staff into and out of OPA shall be  
9 managed in a way that maintains continuity and expertise, and supports the mission of OPA.

10 C. Only the OPA Director shall comment publicly on OPA cases under investigation.  
11 This does not preclude the Chief of Police from acknowledging a case has been referred to OPA.

12 D. A budget with sufficient staffing and resources for effective OPA operations shall  
13 be submitted to the City Council annually by the OPA Director separate and distinct from the  
14 SPD budget.

15 E. Because OPA is housed organizationally within SPD, and in order to enhance  
16 public trust in its objectivity, OPA’s physical location and communications shall reflect its  
17 independence, the impartiality of its investigators, and promote public access and transparency.

18 Section 6. Section 3.28.810 of the Seattle Municipal Code, last amended by Ordinance  
19 122744, is recodified as Section 3.29.020 within Subchapter I of Chapter 3.29 and amended as  
20 follows:

21 ~~((3.28.810))~~3.29.020 Office of ~~((Professional))~~ Police Accountability—Director~~((r))~~

1           ~~((The Director of the OPA is responsible for the investigative and administrative~~  
2 ~~functions of the police disciplinary process and shall manage the overall investigative, training,~~  
3 ~~and administrative functions of the OPA. The OPA Director shall:~~

4           ~~\_\_\_\_\_ A. \_\_\_\_\_ Be a civilian with legal, investigative, or prosecutorial experience;~~

5           ~~\_\_\_\_\_ B. \_\_\_\_\_ Be appointed by the Mayor and confirmed by the City Council;~~

6           ~~\_\_\_\_\_ C. \_\_\_\_\_ Be appointed for a three year term, with the possibility of being reappointed to a~~  
7 ~~second or third three year term, for a maximum of nine years.~~

8           ~~\_\_\_\_\_ D. \_\_\_\_\_ Report directly to the Chief of Police;~~

9           ~~\_\_\_\_\_ F. \_\_\_\_\_ Direct the OPA investigative process, classify all complaints, certify in writing~~  
10 ~~the completion and recommended findings of all OPA cases, and convey these recommendations~~  
11 ~~to the Chief of Police, who is the final Police Department decision maker in disciplinary actions;~~

12           ~~\_\_\_\_\_ G. \_\_\_\_\_ Attend employee due process hearings with the Chief of Police concerning~~  
13 ~~possible employee discipline resulting from OPA recommendations;~~

14           ~~\_\_\_\_\_ H. \_\_\_\_\_ Provide analysis and recommendations to the Chief of Police regarding~~  
15 ~~disciplinary action in order to promote consistency of discipline;~~

16           ~~\_\_\_\_\_ I. \_\_\_\_\_ Provide recommendations to the Chief of Police, Mayor and City Council~~  
17 ~~regarding the resources of the OPA, including but not limited to budget and staffing; and~~

18           ~~\_\_\_\_\_ J. \_\_\_\_\_ Provide recommendations to the Chief of Police, Major and City Council~~  
19 ~~regarding Police Department policies and practices related to police accountability and~~  
20 ~~professional conduct.))~~

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

22                 1.     Manage all functions and responsibilities of OPA.

- 1                   2.       Prepare and maintain the OPA Internal Operations and Training Manual  
2 that details OPA policies and procedures, and review OPA processes for compliance with the  
3 Manual.
- 4                   3.       Review the effectiveness, accessibility, transparency, and responsiveness  
5 of the complaint system.
- 6                   4.       Review and manage the complaint process with the goal that all  
7 complaints of police misconduct or policy violations be initiated or referred, classified, and  
8 resolved or investigated appropriately.
- 9                   5.       Establish a protocol for investigation of allegations against OPA staff.
- 10                  6.       Make written recommendations to the Chief of Police with regard to  
11 findings and discipline upon completion of investigations, and, where requested, advise the Chief  
12 and City Attorney with regard to the re-consideration of recommended findings and discipline,  
13 and of disciplinary appeals.
- 14                  7.       In sustained cases where hearing from the complainant would help the  
15 Chief of Police better understand the significance of the concern or weigh issues of credibility,  
16 recommend that the Chief meet with the complainant prior to the Chief making a final  
17 disciplinary decision.
- 18                  8.       Manage the OPA investigative process with the goal of employing best  
19 practices for administrative investigations and review investigations for compliance with the  
20 OPA Internal Operations and Training Manual and the purposes of this Chapter 3.29. Direct  
21 OPA investigative processes; classify complaints with input from the Independent Police  
22 Accountability Auditor; address any additional investigative work requested or directed by the  
23 Independent Police Accountability Auditor; certify in writing the completion and recommended

1 findings, including possible discipline, of all OPA investigations and convey these  
2 recommendations to the Chief of Police; participate in meetings related to recommended findings  
3 and discipline and in due process hearings; and testify as needed in disciplinary appeals.

4           9. Provide any investigations required by the Independent Police  
5 Accountability Auditor for review and certification as soon as possible after the investigator  
6 submits them to afford sufficient time to conduct additional investigation if requested by the  
7 Independent Police Accountability Auditor, or to consider new material facts raised by the  
8 named employee during the due process hearing. Any further investigation shall be re-submitted  
9 to the Independent Police Accountability Auditor for review in a timely manner, so as not to  
10 unnecessarily delay the completion and certification of the investigation.

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

17           11. In accordance with the provisions of this Chapter 3.29, report on the  
18 timeliness and effectiveness in resolving all OPA complaints, including those investigated by  
19 OPA, those referred by OPA for Supervisor Action, those handled directly by frontline  
20 supervisors, and those mediated, as well as those addressed by other means.

21           12. Report on the implementation of, or response to, OPA recommendations  
22 for Management Actions and on Training Referrals providing information on whether follow-  
23 through was timely and substantive.

1           13.    Manage OPA with the goal that OPA maintains frequent and regular  
2 communications with complainants and named employees about the status of their investigation,  
3 including information to complainants about disciplinary appeal and grievance processes and the  
4 outcome of such challenges to final findings and discipline determinations.

5           14.    Oversee, strengthen, and report on the effectiveness of mediation  
6 programs and other alternative resolution processes.

7           15.    Manage OPA with the goal that OPA investigators and investigative  
8 supervisors receive orientation and training about the accountability system and training in  
9 administrative investigation best practices, including the importance of being respectful to all;  
10 interacting and communicating with complainants, witnesses, and employees in equivalent ways;  
11 exercising independence and objectivity; and having expertise on tactics, equipment, procedures,  
12 and relevant policy and law.

13           16.    Provide materials and information for the public about OPA processes,  
14 how to access the accountability system, the possibility and results of disciplinary appeals;  
15 maintain a robust website that is easy to navigate; and collaborate with the CPC to provide  
16 materials and information that are readily understandable and widely available to Seattle's  
17 diverse residents.

18           17.    Facilitate access to the accountability system, including the use of  
19 community-based organizations to provide additional channels for filing complaints and support  
20 understanding of the system and how to access it.

21           18.    Consistent with obligations to maintain confidentiality, brief the CPC on  
22 issues of significant public interest related to police accountability and professional conduct.

1                   19. Provide recommendations related to the purposes of this Chapter 3.29 to  
2 the Mayor, City Attorney, City Council, Chief of Police, and the CPC for improving SPD  
3 policies and practices.

4                   20. Provide technical expertise to the CPC.

5                   21. Report regularly to the CPC on the implementation status of the OPA  
6 Director's recommendations, as well as of the Independent Police Accountability Auditor's  
7 recommendations related to OPA.

8                   22. Make recommendations to policymakers with regard to needed  
9 improvements to collective bargaining agreements, City ordinances, and state laws in order to  
10 best meet the purposes of this Chapter 3.29 and public expectations.

11                   23. Collaborate with the Chief of Police and other SPD leadership to  
12 strengthen the involvement of supervisory personnel in the accountability system so as to build a  
13 culture of accountability throughout SPD.

14                   24. Collaborate with the Chief of Police to support OPA's operational  
15 independence while striving to see that both OPA and SPD maintain effective operations.

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

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

21                   2. A commitment to and knowledge of the need for and responsibilities of  
22 law enforcement, as well as the need to protect the basic constitutional rights of all affected  
23 parties;

- 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 gain the respect of complainants, SPD employees, and the
- 5 public;
- 6                    6.     The ability to work effectively with the Mayor, City Council, City
- 7 Attorney, Chief of Police, Independent Police Accountability Auditor, SPD employees, the CPC,
- 8 other public agencies, private organizations, and the public;
- 9                    7.     The ability to work with diverse groups and individuals; and
- 10                   8.     The ability to maintain independence, fairness, and objectivity, and to
- 11 advocate where appropriate in an environment where controversy is common.

12                   C.     Appointment, removal, and compensation.

- 13                   1.     The OPA Director shall be appointed and reappointed by the Mayor, in
- 14 consultation with the CPC during the search and selection process, and subject to confirmation
- 15 by the City Council. To strengthen the independence of the OPA Director, the Mayor may
- 16 remove the OPA Director from office only for cause with sufficient notice to, and the
- 17 concurrence of, the City Council, following input from the CPC.
- 18                   2.     The OPA Director may be appointed for up to three, three-year terms for a
- 19 total of nine years. Succeeding terms that are not reappointments of the same individual shall
- 20 commence for three years upon appointment of a new OPA Director, regardless of the length of
- 21 term served by the preceding OPA Director. Reappointments shall commence for three
- 22 additional years from the date that individual's previous term expires if the incumbent is
- 23 reappointed within 90 days before or after the expiration of the previous term; otherwise the

1 successive term shall commence upon reappointment. Each appointment shall be made whenever  
2 possible prior to the termination or expiration of the latest incumbent's term of office so as to  
3 have a seamless transition without a gap in oversight. If an incumbent is reappointed, the City  
4 Council should act to approve or disapprove the reappointment at least 45 days before the  
5 expiration of the present term.

6 3. The OPA Director shall be paid at a salary consistent with the level of  
7 responsibility established in this Section 3.29.020.

8 4. The Seattle Department of Human Resources shall obtain from an outside  
9 law enforcement agency a thorough background check of nominees for OPA Director identified  
10 by the Mayor and report the results to the Mayor.

11 Section 7. Section 3.28.812 of the Seattle Municipal Code, last amended by Ordinance  
12 122744, is recodified as Section 3.29.025 within Subchapter I of Chapter 3.29 and amended as  
13 follows:

14 ~~((3.28.812))~~**3.29.025 Office of ((Professional)) Police Accountability—Explanations of**  
15 ~~((€))~~**certain ((€))complaint ((D))dispositions((:))**

16 A. If the Chief of Police decides not to follow the OPA Director's written  
17 recommendations on ((the disposition))findings or discipline of an OPA  
18 ~~((complaint))~~investigation, the Chief of Police shall ~~((make))~~provide a written statement of the  
19 material reasons for the decision. ~~((The statement shall not contain the officer's name or any~~  
20 ~~personal information about the officer.))~~ If the basis for not sustaining the complaint or revising  
21 the discipline or remedial action is personal, involving family or ((medical))health-related  
22 ~~((information))~~circumstances about the named ((officer))employee, the statement shall refer to  
23 "personal ~~((information))~~circumstances" as the basis. The Chief of Police shall make ~~((the))~~this



1 written statement within ~~((60))~~30 days of ~~((his or her))~~the final decision~~((on the disposition of~~  
2 ~~the complaint))~~. The written statement shall be provided to the Mayor, City Council, OPA  
3 Director and Independent Police Accountability Auditor, and be included in the OPA case file. If  
4 the findings or discipline are changed pursuant to an appeal or grievance, this responsibility shall  
5 rest with the City Attorney.

6 B. If no discipline results from an OPA complaint because an investigation time limit  
7 specified in a collective bargaining agreement between the City and the ~~((subject))~~named  
8 employee's bargaining unit has been exceeded, within ~~((60))~~30 days of the final  
9 ~~((disposition))~~certification of the ((complaint)) investigation by the OPA Director, the OPA  
10 Director shall make a written ((explanation))statement of the nature of the allegations in the  
11 complaint and the reason or reasons why the time limit was exceeded. This requirement applies  
12 whether the OPA Director ~~((recommends))~~recommended ~~((that))~~ the complaint be sustained or  
13 ~~((declines))~~declined to make a recommendation because the time limit ~~((has))~~had been exceeded.  
14 The written ~~((explanation))~~statement shall be included in the OPA case file and provided to the  
15 Mayor, City Council, and Independent Police Accountability Auditor.

16 C. The written ~~((explanations))~~statements required by ~~((Subsections A and B of this~~  
17 ~~Section))~~subsections 3.29.025.A and 3.29.025.B shall not identify named employees or divulge  
18 personal information about ~~((the subject officer or officers))~~named employees or anyone else  
19 involved in the complaint and shall be subject to any applicable confidentiality requirements in  
20 state or federal law. The ~~((explanations))~~statements shall not affect any discipline decisions; ~~((as~~  
21 ~~specified in Seattle Municipal Code 3.28.810 Subsection F, ))~~ the Chief of Police remains the  
22 final ~~((Police Department))~~SPD decision maker in disciplinary actions.

1 D. ~~((The written explanations required by Subsections A and B of this Section shall~~  
2 ~~be provided to the Mayor and City Council.))~~The OPA Director shall include summaries of  
3 ~~((these))~~the written ((explanations))statements ~~((in the reports required by Seattle Municipal~~  
4 ~~Code 3.28.825))~~required by subsections 3.29.025.A and 3.29.025.B in the OPA Director's reports  
5 required by this Chapter 3.29. The summaries shall not identify named employees or divulge  
6 personal information about the ~~((subject officer or officers))~~named employees or anyone else  
7 involved in the complaint and shall be subject to any applicable confidentiality requirements in  
8 state or federal law.

9 Section 8. Section 3.28.815 of the Seattle Municipal Code, enacted by Ordinance 120728  
10 and that currently reads as follows, is repealed:

11 ~~**((3.28.815 – OPA Deputy Director.**~~

12 ~~The Chief of Police shall, with a recommendation from the OPA Director, appoint the~~  
13 ~~OPA Deputy Director from among the sworn Captain ranks of the Seattle Police Department.~~  
14 ~~The OPA Deputy Director, as overseen by the Director, shall oversee the day to day~~  
15 ~~management of the OPA investigative process, employing the best and most effective OPA~~  
16 ~~investigations practices.))~~

17 Section 9. Section 3.28.820 of the Seattle Municipal Code, enacted by Ordinance 120728  
18 and that currently reads as follows, is repealed:

19 ~~**((3.28.820 – OPA procedures manual.**~~

20 ~~The Police Department shall produce an OPA procedures manual, which shall include~~  
21 ~~instructions for filing a complaint with OPA, and which shall be made available to members of~~  
22 ~~the public, as well as Police Department personnel.))~~

1 Section 10. Section 3.28.825 of the Seattle Municipal Code, last amended by Ordinance  
2 122744, is recodified as Section 3.29.030 within Subchapter I of Chapter 3.29 and amended as  
3 follows:

4 ~~((3.28.825))~~**3.29.030 ((Reports.))Office of Police Accountability - Reporting**

5 ~~((A.—The Director shall issue at least two reports per year to the Mayor and City  
6 Council describing the work of the OPA and making recommendations for policy changes as  
7 determined by the Director. Each year at least one of the Director’s reports shall report the  
8 following:~~

9 ~~—— 1.—— The total number of complaints received by the Office of Professional  
10 Accountability;~~

11 ~~—— 2.—— The number of complaints by classification and nature of allegation;~~

12 ~~—— 3.—— The percentage of complaints resulting in each kind of finding, namely,  
13 sustained, not sustained, unfounded, supervisory intervention or exonerated;~~

14 ~~—— 4.—— The nature of disciplinary action taken in sustained cases;~~

15 ~~—— 5.—— The geographic distribution of complaints;~~

16 ~~—— 6.—— The racial, ethnic and gender distributions of complainants, as this  
17 information is provided voluntarily by complainants;~~

18 ~~—— 7.—— The racial, ethnic, gender, assignment and seniority distributions of  
19 officers who are subjects of complaints;~~

20 ~~—— 8.—— The number of officers who have received three or more sustained  
21 complaints within one year; and~~

22 ~~—— 9.—— The timeliness of OPA complaint handling.~~

1           ~~B. The OPA Director and OPA staff may meet with citizens and community groups~~  
2 ~~to solicit community input on policies and practices related to police accountability.~~

3           ~~C. The OPA Director shall make available to the OPA Auditor and OPA Review~~  
4 ~~Board information necessary for their respective auditing and reporting functions as set forth in~~  
5 ~~this chapter.))~~

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

12           B. OPA shall maintain an easily navigable website with comprehensive, substantive,  
13 and timely information on matters of public interest concerning SPD's accountability system,  
14 with a link to a separate CPC website. OPA shall maintain a page on its website that provides  
15 information about the Independent Police Accountability Auditor and contains the Independent  
16 Police Accountability Auditor's reports.

17           C. OPA shall post online, in a timely manner, summaries of completed  
18 investigations, including the allegations, the analysis, the findings, and the results of disciplinary  
19 appeals; and shall distribute a compilation of these summaries electronically, no less than once a  
20 month, to interested stakeholders.

21           D. OPA shall post online timely updates on the outcome of Management Actions  
22 directed as a result of OPA investigations or complaints, including the status of changes  
23 recommended to SPD policies or practices.

1           E.     OPA shall regularly report on the effectiveness of the disciplinary system and the  
2 nature of discipline imposed.

3           F.     OPA shall post online and electronically distribute a report each year to the  
4 Mayor, the City Attorney, the City Council, the Chief of Police, the Independent Police  
5 Accountability Auditor, and the CPC, as well as to the City Clerk for filing as a public record.

6 This report by the OPA Director shall describe the work of OPA and include any  
7 recommendations for policy or practice changes arising from investigation of complaints.

8           G.     The OPA Director's annual report shall include the following, which may be  
9 modified in consultation with the CPC if it is determined that other information would better  
10 help public understanding:

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

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

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

18           4.     The number and percentage of all complaints and allegations not  
19 sustained, and the basis for all not sustained findings, e.g., unfounded, inconclusive, lawful and  
20 proper;

21           5.     The number and percentage of all complaints handled directly by frontline  
22 supervisors, referred for Supervisor Action, Management Action, training or alternative  
23 resolution;

1                   6.     The geographic and shift distribution of incidents underlying complaints;

2                   7.     The racial, ethnic, gender, and geographic distributions of complainants,

3 as this information is provided voluntarily by complainants;

4                   8.     The racial, ethnic, gender, assignment, shift and seniority distributions of

5 named employees who are subjects of complaints;

6                   9.     The number of named employees who have received two or more

7 sustained complaints within one year;

8                   10.    The timeliness and thoroughness of certain OPA and SPD processes,

9 including but not limited to complaint handling, investigations handled by frontline supervisors,

10 Supervisor Actions, mediations, Management Actions, rapid adjudications, and Training

11 Referrals;

12                   11.    Patterns and trends in all OPA complaints, including year-to-year

13 comparisons of demographic data that can help identify problems, deter misconduct, and inform

14 SPD policy and practice improvements; and

15                   12.    A summary of all cases of significant public concern related to public

16 confidence and trust, including the outcome of reviews by SPD units of officer-involved

17 shootings and in-custody deaths.

18                   H.     The OPA Director shall make available to the Independent Police Accountability

19 Auditor and the CPC information necessary for their respective auditing and oversight functions

20 set forth in this Chapter 3.29, in a timeframe allowing for the timely performance of those

21 auditing and oversight functions.

22                   Section 11. A new Section 3.29.035 of the Seattle Municipal Code is added to Subchapter  
23 I of Chapter 3.29 as follows:

1 **3.29.035 Office of Police Accountability - Meetings**

2 A. The OPA Director or the OPA Director's designee shall meet regularly with the  
3 CPC, its committees, or staff to provide and receive information consistent with the purposes of  
4 this Chapter 3.29. The OPA Director shall review the OPA Director reports with the CPC, and  
5 the implementation status of recommendations made to improve OPA and SPD policies and  
6 practices.

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

11 C. The OPA Director and the OPA staff shall solicit and review community input on  
12 policies and practices related to police accountability and professional conduct. This obligation  
13 may be performed in coordination with the CPC and its staff.

14 Section 12. Section 3.28.830 of the Seattle Municipal Code, enacted by Ordinance  
15 120728, is recodified as Section 3.29.040 within Subchapter I of Chapter 3.29 and amended as  
16 follows:

17 ~~((3.28.830))~~ **3.29.040 Office of Police Accountability - Confidentiality of files and records**~~((=))~~

18 ~~((The Director shall, in the case of unsustained complaints, prepare a summary of the  
19 investigation, including a description of the number of witnesses interviewed, the investigative  
20 methods employed, and a brief explanation of why the complaint was not sustained. The Director  
21 shall provide a copy of the summary to the complainant.))~~The OPA Director shall protect the  
22 confidentiality of OPA and SPD~~((Department))~~ files and records to which ~~((s/he))~~OPA has been  
23 provided access to the extent permitted by applicable law and collective bargaining agreements,

1 in accordance with the provisions of this ~~((e))~~Chapter 3.29, and in the same manner and to the  
2 same degree as ~~((s/he))~~the OPA Director would be obligated to protect attorney-client privileged  
3 materials under legal and ethical requirements. The OPA Director shall also be bound by the  
4 confidentiality provisions of the Criminal Records Privacy Act ~~((RCW))~~Chapter 10.97 RCW  
5 and Public Disclosure Act (RCW ~~((Section))~~ 42.17.250 et seq.) The OPA Director shall not  
6 identify the subject of an investigation in any public report required by this ~~((e))~~Chapter 3.29.

7 Section 13. Subchapter VIII of Chapter 3.28 of the Seattle Municipal Code is recodified  
8 as Subchapter II of Chapter 3.29 and titled as follows:

9 **Subchapter ~~((VIII))~~II ~~((Office of Professional Accountability Board ))~~Independent Police**  
10 **Accountability Auditor**

11 Section 14. Section 3.28.850 of the Seattle Municipal Code, last amended by Ordinance  
12 122744, is recodified as Section 3.29.100 within Subchapter II of Chapter 3.29 and amended as  
13 follows:

14 ~~((3.28.850))~~**3.29.100 ~~((Office of Professional))~~Independent Police Accountability Auditor**  
15 **established - Purpose and authority**~~((:))~~

16 ~~((A. There shall be an Office of Professional Accountability Auditor (hereinafter~~  
17 ~~"OPA Auditor") who shall be appointed by the Mayor, subject to confirmation by the City~~  
18 ~~Council, to provide review and assessment of Office of Professional Accountability (hereinafter~~  
19 ~~"OPA") complaints and of Police Department policies and practices related to police~~  
20 ~~accountability and professional conduct. The OPA Auditor shall serve a term of three years and~~  
21 ~~may be reappointed to two subsequent three year terms by the Mayor, subject to confirmation by~~  
22 ~~the City Council. No individual may serve more than three three year terms as OPA Auditor.~~  
23 ~~Should an OPA Auditor take office at any time after commencement of a regular term, the~~



1 ~~expiration of that term shall remain unaffected. The OPA Auditor may be removed from office~~  
2 ~~for cause by the Mayor by filing a statement of reasons for removal with the City Council. The~~  
3 ~~OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's~~  
4 ~~annual budget.~~

5 ~~B. The OPA Auditor should possess the following qualifications and characteristics~~  
6 ~~at the time of appointment and throughout his or her term:~~

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

9 ~~2. A commitment to and knowledge of the need for and responsibilities of~~  
10 ~~law enforcement, as well as the need to protect basic constitutional rights of all affected parties;~~

11 ~~3. A commitment to the statement of purpose and policies in this chapter;~~

12 ~~4. A history of demonstrated leadership experience and ability;~~

13 ~~5. The potential for gaining the respect of complainants, Police Department~~  
14 ~~personnel, and the citizens of this City;~~

15 ~~6. The ability to work effectively with the Mayor, City Council, City~~  
16 ~~Attorney, Chief of Police, OPA, other Police Department personnel, OPA Review Board, other~~  
17 ~~public agencies, private organizations, and citizens;~~

18 ~~7. The ability, as shown by previous experience, to work with diverse groups~~  
19 ~~and individuals; and~~

20 ~~8. The ability to maintain fairness and objectivity in an environment where~~  
21 ~~controversy is common.~~

22 ~~C. In addition to the qualifications and characteristics set forth in subsection B~~  
23 ~~above, the OPA Auditor shall possess the following qualification: the OPA Auditor must be a~~

1 ~~graduate of an accredited law school and member in good standing of the Washington State Bar~~  
2 ~~Association and, prior to appointment, have at least five years of experience in the practice of~~  
3 ~~law or in a judicially related field.~~

4 ~~D. The Chief of Police shall cause a thorough background check of nominees for~~  
5 ~~OPA Auditor identified by the Mayor and shall report the results to the Mayor.)~~

6 A. There is established an Independent Police Accountability Auditor to provide  
7 objective, third party review of complaint handling, internal investigations, and other OPA  
8 activities, as well as to serve the public interest by providing unbiased analysis and objective  
9 recommendations to City policymakers about OPA and SPD policies, procedures, and practices  
10 arising from review of complaints, internal investigations, and OPA oversight of other SPD  
11 administrative investigation processes. The Independent Police Accountability Auditor is an  
12 essential component of the checks and balances that comprise the City's civilian oversight system  
13 for police accountability.

14 B. To eliminate the potential for conflicts of interest that exist when an audit or  
15 investigative function is placed under the authority of the official whose programs or agencies  
16 are being scrutinized, to insulate against possible reprisal, and to promote independent and  
17 objective analysis and reporting, the Independent Police Accountability Auditor shall be a  
18 civilian independent contractor, wholly independent of all City departments and agencies.

19 C. The work of the Independent Police Accountability Auditor is intended to further  
20 instill confidence and public trust in the fairness and integrity of the police accountability system  
21 and in the effectiveness and professionalism of SPD by providing additional professional review  
22 of OPA cases, and to provide an independent perspective on the efficacy of policies, procedures,  
23 and practices of OPA and SPD.

1           D. To help with the goal that all allegations of misconduct be addressed  
2 appropriately, the Independent Police Accountability Auditor shall, in addition to the OPA  
3 Director, review the proposed classifications, named employees, and allegations for all  
4 complaints.

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

15           E. To help achieve the goal that OPA investigations be thorough, fair, and objective,  
16 the Independent Police Accountability Auditor shall, after OPA believes an investigation to be  
17 complete, review all investigations involving allegations of violations of law; honesty; use of  
18 force; use of force reporting; bias-free policing; integrity; ethics; professionalism; use of position  
19 or authority for personal gain; conflicts of interest; gifts and gratuities; off-duty conduct;  
20 retaliation; harassment; responsibilities of employees regarding complaints of misconduct;  
21 discretion and authority; primary investigations; stops, detentions and arrests; or search and  
22 seizure. The Independent Police Accountability Auditor shall have complete discretion to direct  
23 at the time of classification or during the investigative process that any other investigation not

1 including these allegations shall also be submitted by OPA to the Independent Police  
2 Accountability Auditor for review and certification. If the Independent Police Accountability  
3 Auditor determines that the investigation is thorough, fair, and objective, the Independent Police  
4 Accountability Auditor will certify it and the OPA Director may then proceed to issue  
5 recommended findings to the Chief of Police. If, however, the Independent Police Accountability  
6 Auditor finds that the investigation is not ready to be certified, the Independent Police  
7 Accountability Auditor may request or require additional evidence be obtained, additional  
8 witnesses interviewed, or other steps taken. Upon completion of any additional work requested  
9 or directed by the Independent Police Accountability Auditor, the case shall be re-submitted to  
10 the Independent Police Accountability Auditor for certification before the OPA Director may  
11 issue proposed findings. If additional investigation is requested by the Chief of Police after the  
12 due process hearing, as allowed by collective bargaining agreement, the investigation shall be re-  
13 submitted to the Independent Police Accountability Auditor for re-certification.

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

19 Section 15. A new Section 3.29.105 of the Seattle Municipal Code is added to Subchapter  
20 II of Chapter 3.29 as follows:

21 **3.29.105 Independent Police Accountability Auditor - Access and independence**

1           A.     The Independent Police Accountability Auditor shall exercise discretionary and  
2 oversight responsibilities granted by this Chapter 3.29 without interference from the Chief of  
3 Police, other SPD employees, or other City officials.

4           B.     OPA shall provide secure, private space in OPA for the Independent Police  
5 Accountability Auditor to conduct case reviews, and provide administrative and technical  
6 support to facilitate full and timely access, either directly or electronically, to necessary files and  
7 other records.

8           C.     The Independent Police Accountability Auditor shall have full access to all OPA  
9 files and records and is authorized to request any information on OPA cases, workload, or  
10 procedures necessary to perform the duties set forth in this Section 3.29.105. OPA shall make  
11 any requested information available to the Independent Police Accountability Auditor in a timely  
12 and comprehensive manner and shall provide secure access to necessary data systems in a  
13 manner consistent with the integrity of the independent audit function.

14          D.     The OPA Director shall provide the Independent Police Accountability Auditor  
15 each year in June and December status reports regarding OPA cases which were referred by  
16 OPA for possible criminal investigations during the previous six months. These status reports  
17 shall include the nature of the criminal allegation, the case number, the named employee(s), date  
18 of complaint, and the current status of the case.

19          E.     The OPA Director shall provide the Independent Police Accountability Auditor  
20 each year in June and December status reports regarding OPA cases in which the findings or  
21 discipline have been appealed during the previous six months. These status reports shall include  
22 all OPA cases not yet closed due to appeal, the case number, the named employee(s), date of

1 complaint, date of disciplinary action, date of appeal, nature of the appeal, and current status of  
2 the case, including any modification to the case disposition as a result of appeal.

3 F. OPA files and records made available to the Independent Police Accountability  
4 Auditor are the property of OPA and shall not, by operation of this Chapter 3.29, become the  
5 property of the Independent Police Accountability Auditor. The Independent Police  
6 Accountability Auditor shall make every reasonable effort to maintain the security of files  
7 belonging to OPA while in the Independent Police Accountability Auditor's possession. Any  
8 requests made to the Independent Police Accountability Auditor for OPA files or records,  
9 whether through litigation discovery or pursuant to public disclosure, shall be referred to the City  
10 Attorney for response.

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

14 Section 16. Section 3.28.855 of the Seattle Municipal Code, last amended by Ordinance  
15 122744, is recodified as Section 3.29.110 within Subchapter II of Chapter 3.29 and amended as  
16 follows:

17 ~~((3.28.855))~~**3.29.110 ((OPA Auditor's Authority and Responsibility.))Independent Police**  
18 **Accountability Auditor - Auditor**

19 ~~((A. The OPA Auditor shall review OPA complaint classifications and complaint~~  
20 ~~investigations. Every week the OPA shall notify the Auditor of the complaint classifications~~  
21 ~~made and complaint investigations completed in the previous week, and shall make the case files~~  
22 ~~available to the Auditor. The Auditor may recommend to the OPA that it change a complaint~~  
23 ~~classification or further investigate a complaint, or, as specified elsewhere in this section, require~~

1 ~~further investigation. If within 10 days after being notified that a case file has been completed the~~  
2 ~~Auditor has not advised the Department of concerns with the investigation, the OPA shall~~  
3 ~~forward the case file to the subject officer's chain of command for review and recommendations.~~  
4 ~~The OPA Auditor may review a completed case file after the OPA has referred the case file to~~  
5 ~~the subject officer's chain of command, but in these instances the OPA Auditor shall not require~~  
6 ~~further investigation.~~

7 ~~B. The OPA Auditor may audit any and all OPA records. The purpose of such audits~~  
8 ~~is to support the Auditor's recommendations on the thoroughness, fairness and timeliness of OPA~~  
9 ~~investigations, and on any other Police Department or City policies and practices related to~~  
10 ~~police accountability and police professional conduct. The Auditor shall issue public reports on~~  
11 ~~the results of such audits. The Auditor shall determine the topics, scope and frequency of such~~  
12 ~~audits after consulting at least annually with the OPA Director and OPA Review Board.~~

13 ~~C. OPA Auditor May Require Further Investigation of OPA Complaints.))~~

14 A. The duties of the Independent Police Accountability Auditor are to:

15 1. Review all proposed classifications for complaints of misconduct or policy  
16 violations and provide input to the OPA Director on classification, named employees and  
17 allegations.

18 2. Review investigations identified in Section 3.29.100.E above prior to  
19 certification by the OPA Director to determine whether an investigation was thorough and  
20 objective.

21 3. Request or direct further investigation of certain investigations. ((+))The  
22 ((OPA))Independent Police Accountability Auditor shall use best efforts to complete review of  
23 investigations ((audits under subsections A and B of this section)) without unreasonably delaying

1 issuance of recommended findings and certification by the OPA Director and review ~~((of the~~  
2 ~~case file-))~~ by the ~~((subject))~~ named ~~((officer's))~~ employee's chain of command. After reviewing  
3 ~~the~~ ~~((file-))~~ investigation, the ~~((OPA-))~~ Independent Police Accountability Auditor shall document  
4 in writing the case as a) certified as thorough and objective; b) not certified because the  
5 investigation is not thorough and objective but additional investigation is not requested or  
6 directed, and the reason; or c) not certified because the investigation is not thorough and  
7 objective, along with any requested ~~((may request the Office of Professional Accountability to))~~  
8 further investigation to be conducted ~~((further investigation))~~ by OPA. The ~~((OPA))~~ certification  
9 memorandum by the Independent Police Accountability Auditor shall ~~((provide a written~~  
10 ~~statement to the OPA Director))~~ be included as an exhibit in the case file indicating the date of  
11 review, whether the case has been certified, or whether further action is requested or directed,  
12 with ~~((identifying))~~ the reasons for ~~((his or her request for))~~ further ~~((investigation))~~ actions.  
13 Criteria the ~~((OPA))~~ Independent Police Accountability Auditor should consider in reviewing  
14 investigations include, but are not limited to: a) ~~((1))~~ whether witnesses were contacted,  
15 interviewed, and all other material evidence collected; b) ~~((2))~~ whether interviews were  
16 thorough; c) whether additional clarifying information would strengthen the investigation; d)  
17 whether the written summary and analysis are objective and accurately reflect the evidence; and  
18 ~~((3))~~ whether applicable OPA procedures were followed. In the event the OPA Director  
19 disagrees with ~~((this))~~ the Independent Police Accountability Auditor's request for additional  
20 investigation, ~~((recommendation, he or she shall within five days provide the OPA Auditor with~~  
21 ~~a written explanation of the reasons. After giving due consideration to the OPA Director's~~  
22 ~~explanation, the Auditor may require the OPA to conduct the specified further investigation))~~ the  
23 OPA Director and the Independent Police Accountability Auditor together shall seek advice from



1 the City Attorney's Office as to whether OPA should conduct the specified further investigation.

2 If within ten days after being notified that a case file has been preliminarily completed, the Independent  
3 Police Accountability Auditor has not advised OPA of concerns with the investigation, the OPA Director  
4 may certify the case and forward it to the named employee's chain of command; in these instances, the  
5 Independent Police Accountability Auditor is precluded from requiring further investigation.

6 4. Through semi-annual review, assess the thoroughness and timeliness of  
7 OPA complaint handling for those cases not investigated, including cases referred to supervisors,  
8 mediated, resolved through alternative resolution, and for the timely and substantive follow-  
9 through on OPA recommendations for Management Actions and Training Referrals.

10 5. The Independent Police Accountability Auditor may audit any and all  
11 OPA and SPD systems, policies, and practices arising from the review of complaints, internal  
12 investigations, and OPA oversight of other SPD administrative investigation processes. The  
13 Independent Police Accountability Auditor shall be provided staff capacity to help conduct such  
14 audits.

15 6. Review and comment on proposed revisions to the OPA Internal  
16 Operations and Training Manual and to SPD policies, in accord with a process that provides for  
17 input prior to final adoption.

18 7. Advise the OPA Director, the Chief of Police, the Mayor, City Council,  
19 City Attorney, and the CPC on complaint-handling, investigatory, and disciplinary functions of  
20 the OPA and SPD, and recommend and promote changes to training, policies, practices,  
21 collective bargaining agreements, City ordinances, and state laws in order to support systemic  
22 improvements and other enhancements of SPD performance.

23 8. Provide technical expertise to the CPC.

1           B.     Qualifications. The Independent Police Accountability Auditor shall be a civilian  
2 who is a graduate of an accredited law school and member in good standing of the Washington  
3 State Bar Association and, prior to appointment, shall have had at least five years of experience  
4 in the practice of law, or serving as a judicial officer, or in another similar position in which  
5 objectivity and integrity are required primary attributes, with demonstrated skills in evaluating  
6 investigative records and system processes. The Independent Police Accountability Auditor shall  
7 have the following additional qualifications and characteristics:

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

10                   2.     A commitment to and knowledge of the need for and responsibilities of  
11 law enforcement, as well as the need to protect basic constitutional rights of all affected parties;

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

14                   4.     A history of leadership experience;

15                   5.     The ability to gain the respect of complainants, SPD employees, the CPC,  
16 and the public;

17                   6.     The ability to work effectively with the Mayor, City Council, City  
18 Attorney, Chief of Police, the OPA Director, SPD employees, the CPC, other public agencies,  
19 private organizations, and the public;

20                   7.     The ability to work with diverse groups and individuals; and

21                   8.     The ability to maintain fairness and objectivity in an environment where  
22 controversy is common.

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

5           C.     Appointment, removal and compensation

6           1.     The Independent Police Accountability Auditor shall be appointed and  
7 reappointed by the Mayor, in consultation with the CPC during the search and selection process,  
8 and subject to confirmation by the City Council. The OPA Auditor shall serve a term of three  
9 years and may be reappointed to two subsequent three year terms for a total of nine years. To  
10 strengthen the independence of the Independent Police Accountability Auditor, the Mayor may  
11 remove the Independent Police Accountability Auditor from office only for cause, with sufficient  
12 notice to, and with the concurrence of, the City Council, following input from the CPC.

13           2.     Succeeding terms that are not reappointments of the same individual shall  
14 commence for three years upon appointment of a new Independent Police Accountability  
15 Auditor, regardless of the length of term served by the preceding Independent Police  
16 Accountability Auditor. Reappointments shall commence for three additional years from the date  
17 that individual's previous term expires if the incumbent is reappointed within 90 days before or  
18 after the expiration of the previous term; otherwise the successive term shall commence upon  
19 reappointment. Each appointment shall be made whenever possible prior to the termination or  
20 expiration of the latest incumbent's term of office so as to have a seamless transition without a  
21 gap in oversight. If an incumbent is reappointed, the City Council should act to approve or  
22 disapprove the reappointment at least 45 days before the expiration of the present term.

1                   3.     The Independent Police Accountability Auditor shall not be a City  
2 employee and shall be compensated at a rate consistent with the level of responsibility  
3 established in this Section 3.29.110 as provided by ordinance or by appropriation in the City's  
4 annual budget, and at a rate that ensures the Independent Police Accountability Auditor has  
5 capacity to perform the responsibilities specified in this Chapter 3.29.

6                   4.     The Seattle Department of Human Resources shall obtain from an outside  
7 law enforcement agency a thorough background check of nominees for Independent Police  
8 Accountability Auditor identified by the Mayor and report the results to the Mayor.

9                   ~~((D. — Secure Temporary Space. The Department shall, upon request of the OPA~~  
10 ~~Auditor, provide secure temporary space for the OPA Auditor to conduct the audits close to the~~  
11 ~~records to be reviewed.~~

12                   ~~{E. — Reserved.}~~

13                   ~~F. — OPA Auditor's Access to Records; Restriction on Access When Criminal~~  
14 ~~Investigation Pending; Return of Records.~~

15                   ~~1. — The OPA Auditor shall have access to all OPA files and records, provided,~~  
16 ~~however, that the OPA Auditor shall not have access to files designated by the OPA as relating~~  
17 ~~to an active criminal investigation of an officer until such time as the Department has given the~~  
18 ~~subject officer written notification of the investigation. The OPA Director shall provide the OPA~~  
19 ~~Auditor with quarterly status reports regarding OPA cases in which criminal investigations are~~  
20 ~~also being undertaken. These status reports shall include the number of ongoing OPA criminal~~  
21 ~~investigations and the month during which each investigation was originated, and the number of~~  
22 ~~new criminal investigations initiated that quarter.~~

1           2. ~~OPA files and records made available to the OPA Auditor are the property~~  
2 ~~of the Police Department and shall not, by operation of this sub chapter, become the property of~~  
3 ~~the OPA Auditor. The OPA Auditor shall make every reasonable effort to maintain the security~~  
4 ~~of files belonging to the Department while in the OPA Auditor's possession. Any requests made~~  
5 ~~to the OPA Auditor for OPA files or records, whether through litigation discovery or pursuant to~~  
6 ~~public disclosure, shall be referred to the Chief of Police for response.~~

7           3. ~~Upon completion of an audit, the OPA Auditor shall return to the OPA all~~  
8 ~~section files, reports, and records to which he or she has been provided access pursuant to these~~  
9 ~~audit procedures and standards. Following completion of an audit, the OPA Auditor may,~~  
10 ~~however, continue to have access to closed OPA files.~~

11           G. ~~OPA Auditor Access to Caseload, Workload and Procedural Information. The~~  
12 ~~OPA Auditor is authorized to request any information on OPA cases, workload, or procedures~~  
13 ~~that he or she finds necessary in order to conduct an ongoing analysis of the Department's OPA~~  
14 ~~process. The Department shall make the requested information available to the Auditor.))~~

15           Section 17. Section 3.28.860 of the Seattle Municipal Code, last amended by Ordinance  
16 122744, is recodified as Section 3.29.115 within Subchapter II of Chapter 3.29 and amended as  
17 follows:

18 ~~((3.28.860))~~**3.29.115 Independent Police Accountability((OPA)) Auditor - Reporting((to**  
19 **prepare semiannual report.))**

20           ~~((The OPA Auditor shall prepare a semiannual report of his or her audit activities and~~  
21 ~~submit the report to the City Council, Chief of Police, City Attorney, Mayor, OPA Review~~  
22 ~~Board, and City Clerk for filing as a public record. The OPA Auditor's report shall be prepared in~~  
23 ~~accordance with the following provisions:))~~

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

9                     1.     ~~((The number of cases reviewed by the OPA Auditor;~~  
10                     2.)) The number of investigations reviewed, ((and))a description of  
11 ((OPA))those cases in which the Independent Police Accountability Auditor requested or  
12 required further investigation, and a description of ((the-))OPA's ((responses-))follow-up;

13                     ~~((3))2. ((The number of and a description of OPA complaints for which the OPA~~  
14 ~~Auditor requested reclassification or further investigation and a description of the OPA's~~  
15 ~~responses))The semi-annual reviews of OPA complaint handling for cases not investigated,  
16 Supervisor Actions, contact logs, mediations, Management Action, Training Referral and other  
17 alternative resolutions;~~

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

20                     4.     A ~~((summary))~~description of other issues, problems, and trends noted by  
21 the Independent Police Accountability Auditor as a result of the ((OPA))Independent Police  
22 Accountability Auditor's ((as a result of his or her review-))oversight;

1           ~~((5. Any recommendations that the Department consider additional officer~~  
2 ~~training, including recommendations that the Department consider specialized training for HIS~~  
3 ~~investigators;-))~~

4           ~~((6))5. ((Any ))Recommendations ((the Department))that SPD or OPA~~  
5 ~~((consider))make policy, practice, training, or procedural changes; ((and))~~

6           ~~((7))6. ((Any-))Findings from audits of OPA records or the OPA Director's~~  
7 ~~reports((-)); and~~

8           7.     Other information, as appropriate, requested by the CPC that would help  
9 make reporting out to the public by the Independent Police Accountability Auditor as useful as  
10 possible.

11           B.     ~~((The OPA Auditor's report shall not contain any recommendations concerning~~  
12 ~~the discipline of any particular police officer, nor shall the report comment upon or make any~~  
13 ~~recommendation concerning potential civil or criminal liability of any employee, police officer,~~  
14 ~~or citizen.~~

15           C.)) The ((OPA))Independent Police Accountability Auditor shall deliver a  
16 preliminary draft of ((his/her))the semi-annual report to the OPA Director and Chief of Police for  
17 review and comment. The OPA Director and the Chief of Police shall review and comment on  
18 the preliminary report to the Independent Police Accountability Auditor within ((40))ten working  
19 days after receipt of the report. The ((OPA))Independent Police Accountability Auditor shall  
20 then issue((submit)) the final report within ((40))ten working days after receipt of comments  
21 from the OPA Director((s)) and the Chief((s comments)).

22           C.     The Independent Police Accountability Auditor shall issue these reports to the  
23 Mayor, City Attorney, City Council, Chief of Police, OPA Director, and the CPC, as well as to

1 the City Clerk for filing as a public record. OPA shall post the Independent Police Auditor's  
2 reports on the Independent Police Accountability Auditor section of the OPA website.

3 D. The Independent Police Accountability Auditor's reports shall not contain any  
4 recommendations concerning the discipline of any particular named employee, nor shall the  
5 reports comment upon or make any recommendation concerning potential civil or criminal  
6 liability of any employee, police officer, or member of the public.

7 Section 18. Section 3.28.865 of the Seattle Municipal Code, enacted by Ordinance  
8 120728, is recodified as Section 3.29.120 within Subchapter II of Chapter 3.29 and amended as  
9 follows:

10 ~~((3.28.865))~~ **3.29.120 ((OPA Auditor to meet with Mayor, City Council, and Chief of**  
11 **Police.))Independent Police Accountability Auditor - Meetings**

12 A. The ((OPA))Independent Police Auditor shall meet periodically with the Mayor,  
13 the City Council, ((OPA Review Board))the CPC, and the Chief of Police, ((regarding))advising  
14 on the performance and functions of OPA and SPD and making recommendations to improve  
15 ((the))OPA ((investigative process within the framework of applicable law and labor  
16 agreements))and SPD policies and practices.

17 B. The Independent Police Accountability Auditor shall meet regularly with the  
18 CPC, its committees, or staff to provide and receive information concerning the SPD  
19 accountability system, and the extent to which the purposes and requirements of this Chapter  
20 3.29 are being met. The Independent Police Accountability Auditor shall review the Independent  
21 Police Accountability Auditor's semi-annual reports, recommendations, and the implementation  
22 status of those recommendations with the CPC.



1 Section 19. Section 3.28.870 of the Seattle Municipal Code, enacted by Ordinance  
2 120728, is recodified as Section 3.29.125 within Subchapter II of Chapter 3.29 and amended as  
3 follows:

4 ~~((3.28.870))~~**3.29.125 Independent Police Accountability Auditor - Confidentiality of files**  
5 **and records**~~(( ))~~

6 ~~((In discharging his or her responsibilities, the))~~The ~~((OPA))~~Independent Police  
7 Accountability Auditor shall protect the confidentiality of ~~((Department))~~OPA and SPD files and  
8 records to which ~~((s/he))~~the Independent Police Accountability Auditor has been provided access  
9 to the extent permitted by applicable law and collective bargaining agreements, in accordance  
10 with the provisions of this Chapter 3.29, and in the same manner and to the same degree as  
11 ~~((s/he))~~the Independent Police Accountability Auditor would be obligated to protect attorney-  
12 client privileged materials under legal and ethical requirements. The ~~((OPA))~~Independent Police  
13 Accountability Auditor shall also be bound by the confidentiality provisions of the Criminal  
14 Records Privacy Act ~~((RCW))~~Chapter 10.97 RCW and Public Disclosure Act (RCW ~~((Section~~  
15 ~~))~~42.17.250 et seq.). The ~~((OPA))~~Independent Police Accountability Auditor shall not identify  
16 the subject of an investigation in any public report required by this ~~((e))~~Chapter 3.29.

17 Section 20. Subchapter IX of Chapter 3.28 of the Seattle Municipal Code is recodified as  
18 Subchapter III of Chapter 3.29 and titled as follows:

19 **Subchapter** ~~((IX))~~**III** ~~((Office of Professional Accountability Board))~~**Community Police**  
20 **Commission**

21 Section 21. Section 3.28.900 of the Seattle Municipal Code, last amended by Ordinance  
22 122744, is recodified as Section 3.29.200 within Subchapter III of Chapter 3.29 and is amended  
23 as follows:

1 ~~((3.28.900))~~3.29.200 ~~((Office of Professional Accountability Review Board established.))~~

2 **Community Police Commission established - Purpose and authority**

3 A. ~~((There is created an Office of Professional Accountability Review Board~~  
4 ~~(hereinafter "OPA Review Board"). The purpose of the OPA Review Board is to review the~~  
5 ~~quality of the Office of Professional Accountability's (OPA) complaint handling process; to~~  
6 ~~advise the City on Police Department policies and practices related to police accountability and~~  
7 ~~professional conduct; and to organize and conduct public outreach on behalf of itself, the OPA~~  
8 ~~and the OPA Auditor; all to enhance the quality and credibility of the City's police accountability~~  
9 ~~system and thereby maintain public confidence in the professionalism and effectiveness of the~~  
10 ~~Police Department.))~~One of the cornerstones of effective oversight of law enforcement is  
11 community involvement. The purpose of the Community Police Commission (CPC) is to provide  
12 the public with meaningful participatory oversight of SPD policies and practices of particular  
13 significance to the public or affecting public trust in accord with the purposes of this Chapter  
14 3.29 with the goal that police services are delivered in a lawful and nondiscriminatory manner  
15 and are in alignment with the values and expectations of the community.

16 B. The CPC was originally established by ordinance with responsibilities under a  
17 Settlement Agreement between The City of Seattle and the United States Department of Justice.  
18 The additional and ongoing responsibilities of the CPC detailed in this Chapter 3.29 are separate  
19 from those under Subchapter IX of Chapter 3.14, to make clear the City's intention that civilian  
20 oversight be enhanced and broadened beyond the limited time and scope initially set forth in the  
21 Settlement Agreement in order to better serve the public.

22 ~~((B))~~C. ~~((OPA Review Board))~~CPC shall not ~~((participate in))~~review the  
23 investigation ~~((or disposition))~~of specific OPA complaints ~~((to the OPA))~~, and shall not seek to

1 influence the course or outcome of specific OPA (~~(complaint)~~)investigations or (~~(the)~~)any  
2 discipline or other remedial action imposed(~~(of specific police officers)~~).

3 ~~((C. The OPA Review Board shall consist of seven members. Four members shall be  
4 considered a quorum.))~~

5 D. The CPC is situated within The City of Seattle's Executive Department, but is  
6 self-governing and functionally independent. The CPC will adopt such rules, regulations,  
7 procedures, and bylaws as necessary to conduct business and accomplish its purposes and duties  
8 under this Chapter 3.29. To further maintain independence, its Executive Director shall receive  
9 direction only from the Commissioners. The CPC shall have budget and program control of its  
10 own operations and the Executive Director shall annually submit a budget with sufficient staffing  
11 and resources for effective CPC operations to the Mayor and the City Council.

12 E. The work of the CPC is intended to further instill confidence and public trust in  
13 the fairness and integrity of the police accountability system and in the effectiveness and  
14 professionalism of SPD. The CPC's independence is critical to its ability to perform this  
15 oversight role effectively. SPD employees and City officials shall respect the obligation of  
16 Commissioners and CPC staff to exercise independent judgment and offer critical analysis.

17 Section 22. Section 3.28.905 of the Seattle Municipal Code, last amended by Ordinance  
18 122744, is recodified as Section 3.29.205 within Subchapter III of Chapter 3.29 and is amended  
19 as follows:

20 ~~((3.28.905))~~**3.29.205 ((Appointment of the OPA Review Board.))Community Police**  
21 **Commission - Commission**

22 ~~((A. The City Council shall appoint the seven members of the OPA Review Board.  
23 The first term of any member shall be no longer than two years. Members may be reappointed to~~

1 ~~up to three subsequent two year terms; no individual may serve more than four terms. Members~~  
2 ~~shall serve staggered terms such that no more than four members' terms shall expire in any year.~~  
3 ~~Should any member take office at any time after commencement of a regular term, the expiration~~  
4 ~~of that term shall remain unaffected. The City Council may remove a member from office for~~  
5 ~~cause by filing a statement of reasons for removal. Members shall be compensated as provided~~  
6 ~~by ordinance. The compensation of members and other resources necessary for the OPA Review~~  
7 ~~Board shall be appropriated in the budget of the Legislative Department.~~

8 ~~B. Each OPA Review Board member shall at the time of appointment and~~  
9 ~~throughout his or her term:~~

10 ~~1. Have a reputation for integrity and professionalism, as well as the ability~~  
11 ~~to maintain a high standard of integrity in the office;~~

12 ~~2. Have a commitment to and knowledge of the need for and responsibilities~~  
13 ~~of law enforcement, as well as the need to protect basic constitutional rights of all affected~~  
14 ~~parties;~~

15 ~~3. Have a commitment to the statement of purpose and policies in this~~  
16 ~~chapter;~~

17 ~~4. Have a history of demonstrated leadership experience and ability;~~

18 ~~5. Have the potential for gaining the respect of complainants, departmental~~  
19 ~~personnel, and the citizens of this City;~~

20 ~~6. Be able to work effectively with the City Council, departmental personnel,~~  
21 ~~public agencies, private organizations, and citizens;~~

22 ~~7. Be able to work with diverse groups and individuals, as shown by~~  
23 ~~previous experience;~~

1           ~~8. Be able to maintain fairness and objectivity in an environment where~~  
2 ~~controversy is common.~~

3           ~~9. Be a high school graduate or recipient of a general equivalency diploma;~~

4           ~~10. Be a United States citizen or lawfully authorized for employment in the~~  
5 ~~United States;~~

6           ~~11. Be at least 21 years of age;~~

7           ~~12. Not have been convicted of or plead guilty to a felony, crime of violence,~~  
8 ~~or offense involving moral turpitude, or any plea thereto; and~~

9           ~~13. Be able to comply with the appearance of fairness doctrine.~~

10           ~~In addition, at any given time, at least one member of the OPA Review Board shall be a~~  
11 ~~graduate of an accredited law school and a member in good standing of the Washington State~~  
12 ~~Bar Association; at least one other member shall have significant experience in community~~  
13 ~~involvement, organizing and outreach; at least one other member shall have at least five years~~  
14 ~~experience as a sworn law enforcement officer; and at least one other member shall have at least~~  
15 ~~five years experience in a field or fields related to law enforcement or criminal justice.~~

16           ~~C. The Chief of Police shall cause a thorough background check of nominees for~~  
17 ~~OPA Review Board identified by the Council and shall report the results to the Council.~~

18           ~~D. The OPA Review Board shall annually elect one of its members to be the Chair of~~  
19 ~~the OPA Review Board. In the event that all members of the Review Board are newly appointed,~~  
20 ~~the City Council may appoint an interim Chair until the Review Board can conduct the election.~~

21 ))

22           A. The duties of the CPC are to:

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

1           8. Review reports required by this Chapter 3.29 and any recommendations of  
2 the OPA Director and the Independent Police Accountability Auditor.

3           9. Advise the Mayor on the recruitment and selection process and  
4 nomination of OPA Directors, Independent Police Accountability Auditors, and members of the  
5 CPC; and review and provide input to the Mayor on the reappointment or removal of OPA  
6 Directors and Independent Police Accountability Auditors.

7           10. Annually review the effectiveness of the OPA Director and the  
8 Independent Police Accountability Auditor after soliciting public, Mayoral, City Council, City  
9 Attorney, Chief of Police, and SPD employee perspectives.

10           11. Make recommendations to policymakers with regard to needed  
11 improvements to collective bargaining agreements, City ordinances, and state laws.

12           12. 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           13. Serve as an advisory body to the OPA Director and the Independent Police  
17 Accountability Auditor, identifying problems and recommending improvements to police  
18 accountability, including ways to make the system more accessible and transparent to the public.

19           14. Consult with OPA on the development, revision, and distribution of public  
20 and employee informational materials and the OPA website.

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

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

3           16. Consistent with the purposes of this Chapter 3.29, recommend to the  
4 Independent Police Accountability Auditor topics for review.

5           B. Qualifications.

6           1. Commissioners shall be respected members of Seattle's many diverse  
7 communities, and include a representative from the Seattle Police Officers Guild and a  
8 representative from the Seattle Police Management Association. The remaining Commissioners  
9 shall reside or work in Seattle, and members shall collectively include residents from each of the  
10 City's police precincts.

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

17           3. Commissioners shall be representative of Seattle's diverse population,  
18 drawn from different racial and ethnic groups, including immigrant/refugee communities, and  
19 from the LGBT, youth, faith, business, and other communities reflecting the overall  
20 demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of  
21 those who are limited-English speakers, homeless, or who have mental illness and substance  
22 abuse disorders, or shall be drawn from communities that have had difficulties in their  
23 interactions with SPD.



1           4.     Individual Commissioners shall have expertise in law enforcement, police  
2 accountability, human resources, community engagement, organizational change, Constitutional,  
3 criminal, or labor law, social justice, training, or other disciplines important to the CPC's work,  
4 and all shall have the following qualifications and characteristics:

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

7                   b.     An understanding of the responsibilities of law enforcement,  
8 including enforcement, care-taking, and the need to protect basic constitutional rights of all  
9 affected parties;

10                  c.     A commitment to the statements of purpose in this Chapter 3.29;

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

13                  e.     The ability to work with diverse groups and individuals; and

14                  f.     The ability to maintain fairness and objectivity in an environment  
15 where controversy is common.

16           C.     Appointment, removal and compensation

17                   1.     The CPC shall consist of 15 to 17 Commissioners, appointed and  
18 reappointed by the Mayor and confirmed by a majority vote of the City Council. Removal of  
19 Commissioners from office by the Mayor may only be for cause and with the concurrence of the  
20 City Council. The Mayor shall seek the concurrence of the CPC Executive Director prior to  
21 making appointments.

22                   2.     The Mayor shall select appointees in a manner consistent with  
23 qualifications outlined in this Section 3.29.205 and in a manner that effectuates the bylaws of the

1 CPC with respect to the composition of the CPC. All reappointments shall be made so as to  
2 allow for continuous service of the Commissioner without interruption. All new appointments  
3 shall be made as soon as such can reasonably be done, but no later than three months after the  
4 termination or expiration of the latest incumbent's term of office or the creation of a vacancy.

5 3. Commissioners shall be appointed and reappointed to staggered second  
6 and third terms. The maximum length of terms shall be three years and no Commissioner shall  
7 serve more than three terms, with each appointment from the date of expiration of the  
8 immediately preceding term; provided, that if a vacancy should occur in the office before the  
9 expiration of the former incumbent's term, a successor shall serve the remainder of the said  
10 former incumbent's term and may be reappointed to up to two additional three-year terms.

11 4. The staggered terms shall be such that no more than six Commissioners'  
12 terms expire in any year.

13 5. Commissioners may receive compensation by requesting a stipend of \$550  
14 per month of service. Upon such request, the Executive Director is authorized to expend funds in  
15 the CPC's budget for this purpose. No money may be expended for service rendered prior to a  
16 request being filed with the Executive Director.

17 Section 23. Section 3.28.910 of the Seattle Municipal Code, last amended by Ordinance  
18 122744 and that currently reads as follows, is repealed:

19 ~~((3.28.910 – OPA Review Board Responsibility.~~

20 ~~A. — The OPA Review Board shall review the OPA's complaint handling process.~~  
21 ~~Based on its review of OPA complaint forms and files on closed OPA complaints, and on the~~  
22 ~~Review Board's public outreach and research on best practices, the Review Board shall assess the~~  
23 ~~apparent fairness, thoroughness and timeliness of the OPA complaint handling process as a~~

1 whole. The Review Board shall not comment on the discipline of any officer or lack thereof, or  
2 on the liability of anyone involved in a specific complaint. The Review Board shall present its  
3 assessments of the OPA's complaint handling process in semiannual reports to the City. These  
4 reports shall include a general description of the OPA files and records reviewed.

5 B. The OPA Review Board shall organize and conduct public outreach on behalf of  
6 itself, the OPA and the OPA Auditor. The Review Board shall solicit public comments on the  
7 fairness, thoroughness and timeliness of the OPA complaint handling process and on the  
8 professional conduct of Seattle police officers. The Review Board shall invite the OPA, OPA  
9 Auditor and Police Department to participate in its outreach efforts.

10 C. The OPA Review Board shall advise the City on Police Department policies and  
11 practices related to police accountability and professional conduct. The Review Board shall base  
12 its recommendations on its review of the OPA complaint handling process and of the OPA  
13 Director's and OPA Auditor's reports, on any public comments it has received, and on its own  
14 research on national trends and best practices in police accountability and civilian oversight of  
15 law enforcement. The Review Board shall present its recommendations in its semiannual reports.

16 D. The OPA Review Board shall recommend to the OPA Auditor topics for the  
17 Auditor's review of Police Department policies and practices related to police accountability and  
18 professional conduct.

19 E. The OPA Review Board shall submit its semiannual reports to the City Council,  
20 Mayor, Chief of Police, City Attorney and City Clerk.))

21 Section 24. Section 3.28.920 of the Seattle Municipal Code, last amended by Ordinance  
22 122744 and that currently reads as follows, is repealed:

23 ~~((3.28.920 – Access to and confidentiality of files and records.~~

1           A. ~~For the purpose of reviewing the OPA complaint handling process, the OPA~~  
2 ~~Review Board shall have access to unredacted complaint forms of all OPA complaints and~~  
3 ~~unredacted files of all closed OPA investigations, except for information the OPA would be~~  
4 ~~required to withhold from persons not members of criminal justice agencies pursuant to the~~  
5 ~~Criminal Records Privacy Act (Chapter 10.97 RCW) as it now exists and may hereafter be~~  
6 ~~amended. The OPA Review Board shall have access to summary information necessary for its~~  
7 ~~reporting obligations as set forth in Section 3.28.910 of this chapter.~~

8           B. ~~In discharging their responsibilities, OPA Review Board members shall protect~~  
9 ~~the confidentiality of Department files to which they have been provided access. OPA Review~~  
10 ~~Board members shall not disclose information in these Department files and records except in the~~  
11 ~~reports required by ordinance. OPA Review Board reports shall not contain identifying~~  
12 ~~information about anyone involved in an OPA complaint or OPA investigation other than the~~  
13 ~~OPA Director. "Identifying information" is defined as name, badge number, physical description,~~  
14 ~~address, telephone number, email address, photographs or drawings, or any other unique~~  
15 ~~identifying numbers such as driver's license, employee, vehicle or social security numbers. In the~~  
16 ~~event of a public disclosure request pursuant to the Public Disclosure Act (RCW 42.17.250 et~~  
17 ~~seq.), the OPA Review Board shall not disclose any information contained in OPA complaint~~  
18 ~~forms or in files on closed OPA investigations, and shall transmit all such requests to the OPA~~  
19 ~~Director for response.~~

20           C. ~~Indemnification and defense of OPA Review Board members is governed by~~  
21 ~~Chapter 4.64 SMC. It is outside the scope of OPA Review Board members' assignments to~~  
22 ~~disclose information in Department files and records other than as allowed in subsection B of~~  
23 ~~this section.))~~

1           Section 25. A new Section 3.29.210 of the Seattle Municipal Code is added to Subchapter  
2 III of Chapter 3.29 as follows:

3 **3.29.210 Community Police Commission - Reporting**

4           A.     The CPC shall keep minutes and records of all proceedings, including records of  
5 public meetings called by the CPC, related to its duties under this Chapter 3.29. All CPC reports,  
6 minutes and recommendations related to its responsibilities under this Chapter 3.29 shall be  
7 posted to the CPC's City website.

8           B.     The Community Police Commission shall issue, and post online, an annual public  
9 report and provide the report to the Mayor, City Attorney, City Council, Chief of Police, OPA  
10 Director, and Independent Police Accountability Auditor, as well as to the City Clerk for filing  
11 as a public record. These reports shall describe the work of the CPC in fulfilling the  
12 responsibilities detailed in this Chapter 3.29, including:

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

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

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

20                   4.     Information about the CPC's outreach to SPD employees and the public,  
21 and about the perspectives gathered by the CPC from such outreach.

22           Section 26. A new Section 3.29.215 of the Seattle Municipal Code is added to Subchapter  
23 III of Chapter 3.29 as follows:

1 **3.29.215 Community Police Commission - Meetings**

2 A. The CPC shall periodically meet with the Mayor, City Attorney, City Council,  
3 and Chief of Police, to discuss its work under this Chapter 3.29.

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

6 Section 27. A new Subchapter IV is added to Chapter 3.29 of the Seattle Municipal Code,  
7 including Section 3.29.300, as follows:

8 **Subchapter IV Mechanisms to Support Accountability**

9 **3.29.300 Departmental Responsibilities**

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

15 B. Any SPD administrative investigatory process must be approved by the Chief of  
16 Police, and its procedures defined in the SPD Policy Manual. Only OPA may formally  
17 recommend discipline to the Chief.

18 C. SPD employees have an affirmative obligation to refer all cases of possible  
19 misconduct or policy violation, other than those specified in SPD policy as the responsibility of  
20 supervisors, to OPA. Any SPD unit or board with authority to conduct administrative  
21 investigations or review compliance with policy also has a responsibility for ensuring complete  
22 and timely referral to OPA of any incident they review that involves such potential misconduct  
23 or policy violation in the view of any of its members.

1           D.     SPD shall establish a process by which the CPC, the OPA Director, and the  
2 Independent Police Accountability Auditor have notice of policies under development or  
3 revision and sufficient time to review and comment on, prior to issuance, policies that the CPC,  
4 the OPA Director, or the Independent Police Accountability Auditor identify as being of  
5 significant public interest or affecting public confidence and trust. Such a process shall not  
6 preclude SPD from implementing policies due to exigent circumstances prior to review by the  
7 CPC, the OPA Director, and the Independent Police Accountability Auditor.

8           E.     The Chief of Police shall collaborate with the OPA Director with the goal that  
9 sworn staff assigned to OPA have requisite skills and abilities and the goal that the rotations of  
10 sworn staff into and out of OPA are done in such a way as to maintain OPA's operational  
11 effectiveness.

12           F.     While any incident of public concern is under any form of City review, including  
13 OPA investigation, SPD Force Review Board or other review, the Chief of Police or any SPD  
14 employee shall not comment in a way that suggests that any factual, policy or legal conclusions  
15 have been reached about the incident. Nothing in this section restricts the ability of a union  
16 representative to comment in their representative capacity.

17           G.     SPD shall respond to recommendations issued by the OPA Director, the  
18 Independent Police Accountability Auditor, or the CPC within 30 days, providing a plan for  
19 implementation of accepted recommendations, and a rationale or other explanatory information  
20 for those recommendations not accepted or scheduled for implementation, and as appropriate, for  
21 regular timely reports of progress on the status of recommendations to be implemented. If the  
22 lead entity responding to the implementation is a City Department other than SPD, the Director

1 of the Mayor's Office of Policy and Innovation shall coordinate providing the necessary  
2 information to SPD to include in the response.

3 H. SPD shall make a timely and substantive response or follow-through on any OPA  
4 recommendations for Management Actions and Training Referrals.

5 I. 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 J. SPD shall implement discipline when it is imposed or shortly thereafter, not upon  
8 conclusion of any disciplinary appeal process. SPD shall track all records of the disciplinary  
9 determinations of the Chief of Police in order to assist the Chief in imposing consistent  
10 discipline. The OPA Director and the Independent Police Accountability Auditor shall have  
11 unfettered access to this information.

12 K. A grievance or disciplinary appeal is initiated by filing notice to the Chief of  
13 Police and the City Attorney concurrently.

14 L. The City Attorney's Office will 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 M. As appropriate, the City Attorney shall advise the OPA Director and the Chief of  
18 Police of any issues identified through litigation, grievances, or disciplinary appeals to help OPA  
19 and SPD make informed improvements to policies and procedures.

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



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

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

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

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

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

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

1 Section 32. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and  
5 signed by me in open session in authentication of its passage this  
6 \_\_\_\_ day of \_\_\_\_\_, 2015.

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10 \_\_\_\_\_  
11 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 Edward B. Murray, Mayor

15 \_\_\_\_\_  
16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 Monica Martinez Simmons, City Clerk

20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 (Seal)

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