

Summary of CPC Amendments to City’s Proposed Accountability Legislation and Related SMC Chapters

March 7, 2017

Amendment Recommended	Essential CPC Elements Not Yet Incorporated	Language in Proposed Ordinance	CPC Notes/Rationale
Amendment 1: (3/29 GESCNA slated to discuss Budget)			
<p>Ensure Sufficient Capacity & Independence Regarding Resources/Budget For Oversight Entities</p> <p>OPA Section 3.29.015.D</p>	<p>“The City shall provide sufficient professional staff and resources to enable OPA to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support effective OPA operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable entities or other appropriate metrics. The OPA Director shall have budget, workplan, and program control of OPA operations within the scope of its budget appropriation. The OPA budget shall be submitted as a separate Budget Control Level and incorporated into the City budget separate and distinct from SPD’s budget and the OPA Director shall have the authority to advocate for resources if necessary during the budget process.”</p>	<p>“A budget with sufficient staffing and resources for effective OPA operations shall be submitted annually by the OPA Director separate and distinct from the SPD’s budget.”</p>	<p>Adequate resources are critical to ensure OPA can fulfill its responsibilities, and its budget should be determined in a way that best insulates it from the possibility of political retaliation. CPC recommended a set percentage of SPD’s base budget with resulting funding to vary depending on SPD funding levels, but there may be other approaches that can meet these goals. The language should also be explicit that 1) an adequate budget shall be approved, not simply submitted and 2) OPA may advocate for its budget.</p>
<p>OIG Section 3.29.105.C</p>	<p>“The City shall provide sufficient professional staff and resources to enable OIG to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support effective OIG operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable entities or other appropriate metrics. The Inspector General shall have budget, workplan, and program control of OIG operations within the scope of its budget appropriation. OIG budget shall be submitted as a separate Budget Control Level and incorporated</p>	<p>“A budget with sufficient staffing and resources for effective OIG operations shall be submitted annually by the Inspector General separate and distinct from the budget of any other City department.”</p>	<p>Adequate resources are critical to ensure OIG can fulfill its responsibilities, and its budget should be determined in a way that best insulates it from the possibility of political retaliation. CPC recommended a set percentage of SPD’s base budget with resulting funding to vary depending on SPD funding levels, but there may be other approaches that can meet these goals. The language should also be explicit that 1) an adequate</p>

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	into the City budget separate and distinct from any City department’s budget and the Inspector General shall have the authority to advocate for resources if necessary during the budget process.”		budget shall be approved, not simply submitted and 2) OIG may advocate for its budget.
CPC Section 3.29.210.A	“CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities. The City shall provide sufficient professional staff and resources to enable CPC to perform all of its duties and responsibilities specified in this Chapter 3.29. An annual budget to support effective CPC operations shall be based on not less than a specified percentage of SPD’s base budget, with the percentage to be determined by the City Council for the capacity needed, using comparable entities or other appropriate metrics. CPC shall have budget, workplan, and program control of its own operations within the scope of its budget appropriation, and the CPC Executive Director shall receive programmatic direction only from CPC. CPC’s budget shall be submitted as a separate Budget Control Level and incorporated into the City budget separate and distinct from the Executive Department’s budget and CPC shall have the authority to advocate for resources if necessary during the budget process.”	“CPC is self-governing and functionally independent. CPC may adopt bylaws to govern its own activities. An annual budget to support sufficient staffing and resources for effective CPC operations shall be submitted annually by the Executive Director separate and distinct from the Mayor’s budget.”	Adequate resources are critical to ensure CPC can fulfill its responsibilities, and its budget should be determined in a way that best insulates it from the possibility of political retaliation. CPC recommended a set percentage of SPD’s base budget with resulting funding to vary depending on SPD funding levels, but there may be other approaches that can meet these goals. The language should also be explicit that 1) an adequate budget shall be approved, not simply submitted and 2) CPC may advocate for its budget.
Amendment 2: (GESCNA discussion date not identified – related to Independence topic slated for discussion 3/17)			
Ensure Independence by Providing for Use of Independent Legal Counsel if CAO Cannot Represent All	“Each oversight entity is authorized to legally represent itself, including, as necessary, retaining outside, private legal counsel in any legal matter, enforcement action, or court proceeding, when it determines that the City Attorney’s Office would	None.	There are likely to be conflicts among oversight and other City entities whose legal positions will occasionally be opposed to each other. While the City Attorney’s

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Section 3.29.345.C. (NEW)	have a conflict in representing its interests. The City shall provide sufficient funding for legal services separate from the oversight entity’s operational budget. There shall be a pre-determined protocol for retaining independent legal counsel for each oversight entity for this purpose.’		Office can provide legal counsel to all oversight entities on day-to-day matters, on the rare occasions of significant differences, each body must have access to independent legal counsel who can promptly step in.
Amendment 3: (3/17 GESCNA slated to discuss Appointment and Removal Process, and Terms, for Directors and for CPC Members)			
<p>App’t of OPA Director; App’t of IG; Deputy IG; App’t, Term, and Removal of CPC Exec. Director</p> <p>OPA Director (app’t) Section 3.29.020.C.1</p> <p>OPA Director (app’t) Section 3.29.215.A.8</p>	<p>“The OPA Director shall be appointed and reappointed by the Mayor. The Mayor shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. CPC representatives will constitute 25 percent of the search committee, and an additional CPC representative shall serve as one of the search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Mayor shall consult with CPC prior to reappointments.”</p> <p>“Appoint co-chair and members to serve on the search committees for OPA Directors and Inspectors General, identify qualified finalists, advise the appointing authority on these appointments, and review and provide input to the appointing authority on the reappointment or removal of OPA Directors and Inspectors General.”</p>	<p>“The OPA Director shall be appointed and reappointed by the Mayor. The Mayor shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. A representative of CPC shall serve as one of the search committee co-chairs. The Mayor shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Mayor shall consult with CPC prior to reappointments.”</p> <p>“Serve as a co-chair on the search committees for OPA Directors and Inspectors General, identify qualified finalists, advise the appointing authority on these appointments, and review and provide input to the appointing authority on the reappointment or removal of OPA Directors and Inspectors General.”</p>	<p>CPC will have ongoing familiarity with the responsibilities and challenges of this position which can inform deliberations on candidates. Having a number of CPC members on the search committee ensures that the City takes advantage of and values the range of community perspectives and subject matter expertise it has built into the CPC. The CPC recommendation adopted 8/16 called for the CPC to serve as the search committee. In later negotiations, CPC and the Mayor’s Office agreed in principle to CPC representing 25% of a search committee.</p>

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<p>Inspector General (app’t) Section 3.29.114.A</p>	<p>“The Inspector General shall be appointed and reappointed by a three-member Special Committee of the City Council. The Special Committee shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. CPC representatives will constitute 25 percent of the search committee, and an additional CPC representative shall serve as one of the search committee co-chairs. The Special Committee shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Special Committee shall consult with CPC prior to reappointments.”</p>	<p>“The Inspector General shall be appointed and reappointed by a three-member Special Committee of the City Council. The Special Committee shall select from up to three qualified finalists identified by a search committee through a national process using merit-based criteria. A representative of CPC shall serve as one of the search committee co-chairs. The Special Committee shall either appoint from among the finalists or initiate a new search. The appointee shall be confirmed by a majority vote of the full City Council. The Special Committee shall consult with CPC prior to reappointments.”</p>	<p>CPC will have ongoing familiarity with the responsibilities and challenges of this position which can inform deliberations on candidates. Having a number of CPC members on the search committee ensures that the City takes advantage of and values the range of community perspectives and subject matter expertise it has built into the CPC. The CPC recommendation adopted 8/16 called for the CPC to serve as the search committee. In later negotiations, CPC and the Mayor’s Office agreed in principle to CPC representing 25% of a search committee.</p>
<p>CPC Exec Dir. (current term) Section 3.29.206.A</p>	<p>“The current CPC Executive Director appointed pursuant to Subchapter IX of Chapter 3.14 shall continue in office for a term of six years following enactment of this Ordinance.”</p>	<p>“The term of the current CPC Executive Director appointed pursuant to Subchapter IX of Chapter 3.14 shall expire on December 31, 2018. The current CPC Executive Director may be reappointed to subsequent terms consistent with the requirements of this Chapter 3.29.”</p>	<p>The City’s proposal would not be a problem if the appointing authority were the CPC, but having the Mayor appoint the CPC Executive Director combined with this shortened term further undermines CPC independence. The CPC will also best know if it needs a new Executive Director and will also take into account continuity considerations. The CPC provision is modeled on that of the Seattle Ethics and Elections Commission (SEEC).</p>

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<p>CPC Exec Dir. (app’t) Section 3.29.206.B.1</p>	<p>“The CPC shall have an Executive Director who shall be appointed by CPC using merit-based criteria. The position of Executive Director shall be exempt from the classified civil service. The term of the Executive Director is six years. Each CPC Executive Director’s initial appointment is subject to confirmation by the City Council. Reappointment of the CPC Executive Director to successive terms by CPC is not subject to City Council confirmation. If an individual who previously served as CPC Executive Director is appointed after a different individual was confirmed as CPC Executive Director by the City Council that new appointment is subject to City Council confirmation as an initial appointment. CPC shall annually evaluate the performance of the CPC Executive Director, after soliciting perspectives from City officials and community members with whom the CPC Executive Director interacts in the course of performing the CPC Executive Director’s duties.”</p>	<p>“There shall be an Executive Director, appointed by the Mayor. The position of Executive Director shall be exempt from the classified civil service. The term of the Executive Director is four years.”</p>	<p>Having the Mayor appoint the CPC Executive Director undermines CPC independence. The CPC language (including the length of the term) is modeled on that of the SEEC. Like the SEEC, the CPC’s oversight role requires clear independence.</p>
<p>CPC Exec Dir. (reapp’t) Section 3.29.206.B.2</p>	<p>“Each Executive Director’s initial appointment is subject to confirmation by the City Council. Reappointment of an Executive Director to successive terms is not subject to Council confirmation. If an individual who previously served as Executive Director is again appointed after a different individual was confirmed as the Executive Director by the City Council that new appointment is subject to City Council confirmation as an initial appointment.”</p>	<p>“Each Executive Director’s initial appointment is subject to confirmation by the City Council. Reappointment of an Executive Director to successive terms by the Mayor is not subject to Council confirmation. If an individual who previously served as Executive Director is again appointed after a different individual was confirmed as the Executive Director by the City Council that new appointment is subject to City Council confirmation as an initial appointment.”</p>	<p>Revisions to these paragraphs remove references to the Mayor with respect to the reappointment of the CPC Executive Director or the appointment of an interim CPC Executive Director. These changes make the language consistent with the proposed amendment to have CPC appoint its Executive Director.</p>

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<p>CPC Exec Dir. (reapp’t) Section 3.29.206.B.3</p> <p>CPC Exec Dir. (vacancy) Section 3.29.206.B.5</p>	<p>“If an individual is reappointed to a successive term as Executive Director within 60 days prior to or 60 days after the expiration of that individual’s term, the ensuing term begins on the date the prior term expired. If an individual is reappointed to a successive term as Executive Director more than 60 days prior to or 60 days after the expiration of the individual’s term, the new term begins on the date of reappointment unless CPC chooses, at the time of reappointment, to make the new term begin on the date the prior term expires.”</p> <p>“In the event of a vacancy, CPC shall designate an interim Executive Director within ten days of the first day of the vacancy. The interim Executive Director shall meet the key qualifications set forth in this Chapter 3.29.”</p>	<p>“If an individual is reappointed to a successive term as Executive Director within 60 days prior to or 60 days after the expiration of that individual’s term, the ensuing term begins on the date the prior term expired. If an individual is reappointed to a successive term as Executive Director more than 60 days prior to or 60 days after the expiration of the individual’s term, the new term begins on the date of reappointment by the Mayor unless the Mayor chooses, at the time of reappointment, to make the new term begin on the date the prior term expires.”</p> <p>“In the event of a vacancy, the Mayor shall designate an interim Executive Director within ten days of the first day of the vacancy. The interim Executive Director shall meet the key qualifications set forth in this Chapter 3.29.”</p>	
<p>CPC Exec Dir. (removal) Section 3.29.206.C</p>	<p>“CPC may remove the CPC Executive Director from office only for cause, upon a majority vote of its membership.”</p>	<p>“The Mayor may remove the CPC Executive Director from office only for cause and with a majority vote of the City Council.”</p>	<p>Giving the Mayor the authority to remove the CPC Executive Director undermines CPC independence. The CPC will also better know if it needs to remove its Executive Director. The CPC language is modeled on that of the SEEC.</p>
<p>Amendment 4: (GESCNA discussion date not identified – related to Roles and Oversight topic slated for discussion on 3/17)</p>			
<p>Performance Review of OPA and OIG</p> <p>Performance Review of OPA Section 3.29.110.A.10 (NEW)</p>	<p>“The Inspector General shall annually evaluate the performance of OPA and its management and leadership, after soliciting public, Mayoral, City Attorney, City Council, Chief of Police, SPD employee, and CPC perspectives.”</p>	<p>None.</p>	<p>The qualifications and functions of the Inspector General make the IG uniquely qualified to review OPA performance. Given the importance and highly specialized nature of the OPA function, performance review</p>

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Performance Review of OPA Section 3.29.215.A.10 (NEW)	“Provide input to the Inspector General each year in advance of the Inspector General’s evaluation of OPA.”	None.	should not be relegated to standard HR practices and should be more publicly transparent. CPC’s input is important to ensure community expectations are taken into account in the review.
Performance Review of OIG Section 3.29.215.A.9 (NEW)	“Annually evaluate the performance of OIG and its management and leadership, after soliciting public, Mayoral, City Attorney, City Council, Chief of Police, and SPD employee perspectives.”	None.	Like OPA, OIG should be evaluated annually. Periodic evaluations will strengthen the new office. A strong OIG performing at a high level could be buffered from interference or retaliation by having its performance positively reviewed by subject matter experts. On the other hand, an evaluation that finds OIG falling short of fulfilling its role could constructively advance improvements. In either case, the evaluation will provide political authorities and the public with in-depth information to help them draw their own conclusions about OIG’s performance. The CPC should do the evaluation. No other governmental body has the subject matter expertise and independence to reliably and credibly play this evaluation role. It is a community expectation that the community-based commission exercise oversight of the accountability system as a whole.

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			Community boards in other cities have considerably more formal power and oversight than the CPC is proposing with this function. Performance review of OIG without being accused of "being out of its lane" is the minimum role the CPC should play in providing overall system oversight. Stronger measures could also be considered.
Amendment 5: (3/22 GESCNA slated to discuss CPC Membership, Qualifications & Residency Requirements - related to Appointment topic slated for discussion on 3/17)			
<p>CPC Representation; Number of Commissioners and App’t Authorities; Residency/Work Requirements</p> <p>General Representation Section 3.29.215.B.3</p>	<p>“Commissioners shall be representative of Seattle’s diverse population, drawn from different socio-economic backgrounds and racial and ethnic groups, including immigrant/refugee communities, and from the LGBTQ, youth, faith, business, and other communities reflecting the overall demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of those who are limited-English speakers, homeless, or who have mental illness and substance abuse disorders.”</p>	<p>“Commissioners shall be representative of Seattle’s diverse population, drawn from different socio-economic backgrounds and racial and ethnic groups, including immigrant/refugee communities, and from the African-American, LGBTQ, youth, faith, business, and other communities reflecting the overall demographics of Seattle residents. Some shall represent or be knowledgeable of the issues of those who are limited-English speakers, homeless, or who have mental illness and substance abuse disorders.”</p>	<p>CPC believes this language should be written in a way that best honors the experiences of different groups and demonstrates a commitment to including a wide range of views.</p>
<p>Police Representation, Commissioner Connections, and Residency/Work Requirements Section 3.29.215.B.1</p>	<p>“Commissioners shall be respected members of Seattle’s many diverse communities, and include a representative from the Seattle Police Officers Guild (SPOG) and a representative from the Seattle Police Management Association (SPMA). At least two Commissioners shall be graduates of an accredited law school and members in good standing of the Washington State Bar Association, with significant</p>	<p>“Commissioners shall be respected members of Seattle’s many diverse communities. At least two Commissioners shall be graduates of an accredited law school and members in good standing of the Washington State Bar Association, with significant experience in the fields of public defense and civil liberties law. Commissioners shall reside or work in Seattle as set forth in this Section 3.29.215.”</p>	<p>Police representation is required under the Consent Decree. The Consent Decree would have to be amended to remove police representatives and DOJ does not support such a change. CPC strongly supports police representation on CPC because their perspectives have</p>

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	<p>experience in the fields of public defense and civil liberties law. The representatives from SPOG and SPMA should have background relevant to police-community relations and demonstrated connection to the membership of their respective unions. Commissioners shall reside or work in Seattle, and all shall have specific expertise regarding the interests of key constituencies with respect to policing, public safety, or public health in Seattle.”</p>		<p>helped inform CPC’s ultimate positions in the past and will do so going forward. Their participation also demonstrates a commitment to collaboration and trust-building.</p> <p>See rationale pertaining to residency/work requirements in row immediately below.</p>
<p>Residency/Work Requirements Section 3.29.215.C.4</p>	<p>“Each appointing authority shall provide a process that allows individuals to apply and be considered for appointment, to ensure that they meet the qualifications outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC with respect to its composition. The appointing authorities shall consult with one another prior to making their respective appointments and reappointments. All Commissioners appointed or reappointed by each of the appointing authorities shall be confirmed by a majority vote of the full City Council and shall assume office upon receiving City Council confirmation.”</p>	<p>“Each appointing authority shall provide a process that allows individuals to apply and be considered for appointment, and shall ensure appointees meet the qualifications outlined in this Section 3.29.215 and are selected in a manner that effectuates the bylaws of CPC with respect to its composition. Twelve of the 15 Commissioners must live within The City of Seattle and three of the 15 Commissioners may work within but are not required to live within the City. Each appointing authority may appoint one of the three Commissioners who works within but does not reside within the City. Where a Commissioner resides in City of Seattle at the time of appointment but no longer resides in the City during any 60-day period of a term that Commissioner will not be eligible for reappointment at the expiration of the term unless proof of current residency in the City can be established. A change in residency to outside of The City of Seattle will not affect the Commissioner’s ability to serve the remainder of any pending term. The appointing authorities shall</p>	<p>Inflexible residency requirements could prevent the appointment of the strongest candidates with in-depth involvement in Seattle’s diverse communities and unique understanding of their challenges and expectations regarding policing. For example, non-profit leaders or attorneys may have decades of work experience that gives them tremendous expertise and community respect, but they may not be able to afford to live in the city.</p>

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		consult with one another prior to making their respective appointments and reappointments. All Commissioners appointed or reappointed by each of the appointing authorities shall be confirmed by a majority vote of the full City Council and shall assume office upon receiving City Council confirmation.”	
Number of Commissioners and Appointing Authorities Section 3.29.215.C.1	“CPC shall consist of 19 Commissioners, appointed and reappointed as set forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall select five Commissioners, and CPC shall select nine Commissioners, including the public defense representative, the civil liberties law representative, and the SPOG and SPMA representatives.”	“CPC shall consist of 15 Commissioners, appointed and reappointed as set forth in this Chapter 3.29. The Mayor shall select five Commissioners, the City Council shall select five Commissioners, and CPC shall select five Commissioners, including the public defense representative and the civil liberties law representative.”	The CPC believes that four more members will help it a) better represent a sufficient range of diverse community views and expertise about the issues the CPC is responsible for overseeing, and b) have adequate capacity to fulfill the expanded obligations of this working commission.
Other Qualifications Section 3.29.215.B.5.g	“The ability to exercise sound judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a manner that reflects sound judgment, independence, fairness, and objectivity in an environment where controversy is common.”	“The ability to exercise sound judgment, independence, fairness, and objectivity, and to carry out Commissioner duties in a manner that is perceived by all who have a stake in policing as exercising sound judgment, independence, fairness, and objectivity in an environment where controversy is common.”	The clause originally said “in a manner that is perceived by all who have a stake in policing as exercising sound judgment, independence, fairness, and objectivity” for the IG as well. The City did not include this language for the IG since it is impossible to determine. For the same reason, CPC believes the clause should be removed as part of the CPC qualifications.

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Amendment 6: (4/14 GESCNA slated to discuss Disciplinary Processes)			
<p>Disciplinary, Appeals, and Grievance Processes; Preference Points</p> <p>Disciplinary, Appeals, and Grievance Processes Section 3.29.310</p> <p>Disciplinary, Appeals, and Grievance Processes; Preference Points Chapter 4.08</p>	<p>See Attachment I (revisions to City’s proposed 3.29.310) and Attachment II (revisions to current Chapter 4.08).</p>	<p>See Attachment I (revisions to City’s proposed 3.29.310). This document shows the City’s underlying proposed 3.29.310 language, which has been modified with CPC suggested amendments.</p>	<p>The CPC believes more comprehensive and specific language is needed in 3.29.310 and Chapter 4.08 to ensure disciplinary, appeals, and grievance processes are fair, effective, consistent, transparent, and timely. Amendments to Chapter 4.08 are needed to implement the reforms to the appeals process and the rule for Preference Points. CPC notes/rationale for these changes are in Attachment IV (Explanation of Amend to 3.29.310 and 4.08).</p>
Amendment 7: (3/17 GESCNA slated to discuss Roles and Oversight)			
<p>Deputy Inspector General and the Deputy IG’s Duties</p> <p>Deputy IG (general duties) Section 3.29.100.C (NEW)</p>	<p>“There shall be a civilian Deputy Inspector General to perform such duties and to have such powers as the Inspector General may prescribe and delegate to implement and efficiently and effectively manage the duties set forth in this Subchapter II. The Deputy Inspector General shall possess the qualifications and subject matter expertise to perform the OPA Auditor and Police Intelligence Auditor duties and responsibilities now subsumed in this Chapter. The Inspector General shall obtain from an outside law enforcement agency a thorough background check of the Deputy Inspector General, prior to the Deputy Inspector General’s appointment to the position.”</p>	<p>None.</p>	<p>This position would be responsible for many of the current functions of the OPA Auditor in reviewing the quality of complaint-handling and investigations conducted by OPA and would also assume the Police Intelligence Auditor functions, and thus must be called out in the Ordinance. The Inspector General cannot perform these duties as well as other Inspector General responsibilities. Lack of sufficient capacity to do OPA oversight and broader systemic work was a weakness in the OPA Auditor role</p>

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			<p>that the OPA Auditor recommended be corrected by moving to an OIG. The Deputy must be sufficiently senior to act in the absence of Inspector General (report to scene, have legal and investigative expertise, represent OIG at findings / discipline meetings, etc.) and provide continuity in any circumstance when Inspector General is absent or the Inspector General position is vacant. Having this in legislation underscores the authority of the person in this position to act and ensures the position won’t be eliminated in budget cuts. It would be detrimental to community trust to describe the system as stronger because OIG will have broad capacity and authority, but then not provide sufficient leadership and expertise to do what has been promised.</p>
<p>Deputy IG (Police Intelligence) Section 3.29.110.A.14 (A.13 in submitted ordinance)</p>	<p>“Perform the Police Intelligence Auditor functions defined in Chapter 14.12 and, together with the CPC, by the end of the first Inspector General’s initial year, conduct a review and make recommendations to the City Council for any needed revisions to Chapter 14.12.”</p>	<p>“Perform the police intelligence auditor functions defined in Chapter 14.12.”</p>	<p>Both the City and CPC agree that the Police Intelligence Auditor functions should be moved to OIG; to do so, the definition of Auditor and permissions in 14.12 must be amended. The Council has also discussed a need to review the substance of all provisions of 14.12</p>

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<p>Updating Chapter 14.12 Section 3.29.215.A.17 (NEW)</p> <p>Chapter 14.12 ID Deputy IG as Police Auditor Section 310.A Background Check Section 3.10C Limitations on Police Auditor Section 320.A</p>	<p>“Pursuant to subsection 3.29. 110.A.13, together with the OIG, by the end of the first Inspector General’s initial year, conduct a review and make recommendations to the City Council for any needed revisions to Chapter 14.12.”</p> <p>See Attachment III (revisions to current Chapter 14.12).</p>	<p>None.</p> <p>None.</p>	<p>and since these are issues of particular interest to the public, it is appropriate for CPC to partner with the OIG in that review.</p>
<p>Amendment 8: (3/17 GESCNA slated to discuss Roles and Oversight)</p>			
<p>CPC Role in Outreach and Ways to Improve Access to the Accountability System</p> <p>CPC Role in Outreach Section 3.29.020.A.16</p>	<p>“Obtain information about community perspectives and concerns germane to OPA access and OPA’s oversight responsibilities by means including, but not necessarily limited to, seeking support from CPC on community outreach and receiving feedback from CPC on issues surfaced as a result of its community outreach activities.”</p>	<p>“Obtain information about community perspectives and concerns germane to OPA access and OPA’s oversight responsibilities by means including, but not necessarily limited to, seeking support from CPC and other community stakeholders on community outreach and receiving feedback on issues surfaced as a result of its community outreach activities.”</p>	<p>There must be trusting relationships in order to obtain honest community views; CPC has many of these connections. Neither OPA nor OIG have outreach as a core competency nor will they likely have enough resources. CPC should be on point for this work. A shared role with OPA and OIG may undermine core CPC outreach responsibility and lead to lack of role clarity. Requests for input from multiple entities will confuse the community and be time-consuming and inefficient. The CPC outreach function is focused on accountability and critical issues affecting community trust, not on</p>

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			SPD generally, and does not prevent OPA, OIG, or SPD from periodically talking with community representatives.
Improving Access to Accountability System Section 3.29.020.A.16	“Facilitate access to the accountability system, including the use of OPA complainant navigators, community-based organizations, and other approaches that reflect or take into account the diversity of Seattle’s communities in order to provide additional channels for filing complaints and support understanding of the system and how to access it.”	“Facilitate access to the accountability system, including the use of OPA complaint navigators, community-based organizations, or other approaches that reflect or take into account the diversity of Seattle’s communities in order to provide additional channels for filing complaints and support understanding of the system and how to access it.”	Access is a significant issue and there is a need for a more extensive effort. The City’s language referring to “or” suggests that use of navigators or community-based organizations may not be prioritized and employed.
Amendment 9: (GESCNA discussion date not identified – related to Roles and Oversight topic slated for discussion on 3/17)			
Oversight Entities Advising on Collective Bargaining During Bargaining Section 3.29.330.A	“Those who provide civilian oversight of the police accountability system shall be consulted in the formation of the City’s collective bargaining agenda and during the bargaining process with the City’s police unions for the purpose of ensuring their recommendations with collective bargaining implications are thoughtfully considered and the ramifications of alternative proposals are understood. These individuals shall be subject to the same confidentiality provisions as any member of the Labor Relations Policy Committee.”	“Those who provide civilian oversight of the police accountability system shall be consulted in the formation of the City’s collective bargaining agenda for the purpose of ensuring their recommendations with collective bargaining implications are thoughtfully considered and the ramifications of alternative proposals are understood. These individuals shall be subject to the same confidentiality provisions as any member of the Labor Relations Policy Committee.”	As negotiations proceed, alternative positions emerge and it is important that the City’s bargaining team remain fully informed of the implications of new positions, both those offered by the unions and those contemplated by the City. Such proactive use of knowledgeable technical advisors will better ensure CBA outcomes sustain a robust police accountability system. The CPC’s approach is lawful because it ensures technical advisors maintain confidentiality. OLEO Director is doing so in King County negotiations.

Summary of CPC Amendments to City’s Proposed Accountability Legislation and Related SMC Chapters

March 7, 2017

Amendment Recommended	Essential CPC Elements Not Yet Incorporated	Language in Proposed Ordinance	CPC Notes/Rationale
Amendment 10: (4/14 GESCNA slated to discuss Disciplinary Processes)			
<p>Assessing Disciplinary Processes</p> <p>OIG Assessment Section 3.29.110.A.9</p>	<p>“OIG shall work with the OPA Director and SPD to make disciplinary processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as possible and report out to the public on any concerns with regard to discipline or disciplinary processes. OIG’s review of SPD’s disciplinary processes shall include an assessment of the merits of models used in other jurisdictions to help ensure consistency and fairness in disciplinary decision-making.”</p>	<p>“OIG shall work with the OPA Director and SPD to make disciplinary processes as fair, impartial, objective, certain, timely, consistent, understandable, transparent, and effective as possible and report out to the public on any concerns with regard to discipline or disciplinary processes.”</p>	<p>The fair and consistent imposition of discipline is an important principle supporting the credibility of the accountability system. The OPA Auditor and CPC recommended the use of a discipline matrix, which the Mayor did not support. This language offered is an alternative so that OIG can review best practices to identify systematic approaches to ensuring the fairness and consistency of discipline. The IG could recommend use of a matrix or other tools. Given its importance, the CPC believes such a study should be specifically referenced in the legislation.</p>
Amendment 11: (GESCNA discussion date not identified)			
<p>Conformity of CBAs with 3.29</p> <p>Construction Section 3.29.400.A</p>	<p>“The collective bargaining agreements with the City’s police unions shall be updated to conform and be consistent with the provisions and obligations of this Chapter 3.29. Additional agreements, practices, and policies in existence on the effective date of this Ordinance shall be revised to ensure they are consistent with this Ordinance or shall otherwise be abrogated.”</p>	<p>“The collective bargaining agreements with the City’s police unions shall be updated to conform and be consistent with the provisions and obligations of this Chapter 3.29.”</p>	<p>Settlements of unfair labor practice disputes and other types of settlements have resulted in “side agreements” between the City or SPD and unions and/or practices that should not be left in place if they are inconsistent with the Ordinance.</p>

Summary of CPC Amendments to City’s Proposed Accountability Legislation and Related SMC Chapters

March 7, 2017

Amendment Recommended	Essential CPC Elements Not Yet Incorporated	Language in Proposed Ordinance	CPC Notes/Rationale
Other Recommendations (GESCNA discussion date not identified)			
<p>Chief and OPA Disagreements</p> <p>Disagreement with Findings Section 3.29.027</p>	<p>Not applicable.</p>	<p>“Where there is disagreement between the Chief of Police and the OPA Director as to the OPA Director’s recommendations on findings, the Chief and the OPA Director shall engage in a supplemental meeting to discuss the disagreement, which shall occur after the employee due process meeting has taken place. The Inspector General shall be present at this meeting.”</p>	<p>The Mayor’s Office originally proposed having the IG make disciplinary decisions, which the CPC and OPA Auditor did not support. The Mayor’s Office later substituted a provision for optional meetings but the legislation filed with Council made the meetings mandatory. The CPC takes no position on whether such meetings should be optional or mandatory.</p>
<p>External Investigations Processes</p>	<p>“Convene meetings with and lead stakeholders to assess the feasibility of establishing mechanisms to use investigation and review processes wholly external to SPD for cases involving serious and deadly uses of force.”</p> <p>“If determined to be feasible following the stakeholder assessment led by the CPC described in Section 3.29.210, the City shall establish mechanisms to use wholly external investigation and review processes for cases involving serious and deadly uses of force.”</p>	<p>None.</p>	<p>The President’s Task Force on 21st Century Policing recommended external criminal investigations in serious and deadly uses of force. This was also a recommendation of the WA State Joint Task Force on the Use of Deadly Force. The importance of doing so was again made evident by questions about the credibility of an SPD investigation of its own officers in the SPD shooting death of Che Taylor.</p>
<p>Open Bargaining</p>	<p>“SMC 4.04.120(E) shall not apply to the City’s collective bargaining with police unions. The City’s collective bargaining with all police unions shall be conducted in an open and transparent manner to the maximum extent permitted by State law.”</p>	<p>None.</p>	<p>CPC continues to be in dialogue about how to achieve the goal of holding officials publicly accountable for promises they make about police accountability, while not inadvertently weakening the bargaining position of public unions.</p>

Summary of CPC Amendments to City’s Proposed Accountability Legislation and Related SMC Chapters

March 7, 2017

Amendment Recommended	Essential CPC Elements Not Yet Incorporated	Language in Proposed Ordinance	CPC Notes/Rationale
			The CPC is open to alternative approaches to accomplish that goal.
<p>Funding</p> <p>Amendment to 2017 Budget Council Bill 118908 Fiscal Note</p>	<p><i>Concern over the possibility of lack of sufficient funding for the OIG to fulfill its duties and responsibilities and for the CPC to meet public expectations regarding its role underscored the CPC’s recommendation found in Amendment 1. The CPC believes the OIG at a minimum needs an initial budget that supports an IG, Deputy IG, three audit staff and three support staff, in addition to operational expenses.</i></p>	<p><i>Funding is addressed in the Fiscal Note to Council Bill 118908.</i></p> <p><i>The City’s proposal does not provide for additional staffing or funds for OPA or CPC beyond what has been budgeted for 2017 or 2018. OIG’s initial funding in 2017 is to be set at \$354,300 and in 2018 would provide for only 4.0 FTE and a budget of \$700,000.</i></p>	<p>The CPC believes it is critical that baseline funding for OPA, OIG, and CPC offices is sufficient for each to fully meet its obligations under the legislation as stipulated in its proposed language for Sections 3.29.015.D, 3.29.105.C, and 3.29.210.A.</p>