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Council Bill Number: 113040

Ordinance Number: 119816

AN ORDINANCE relating to the Police Department, creating an Office of Professional Accountability to receive and investigate complaints of misconduct by Seattle Police Department personnel and adding a new Subchapter (VIII) to Section 3.28 of the Seattle Municipal Code.

Status: Adopted As Amended

Date passed by Full Council: December 13, 1999

Vote: 9-0

Date filed with the City Clerk: December 21, 1999

Date of Mayor's signature: December 21, 1999

[\(about the signature date\)](#)

Date introduced/referred to committee: November 20, 1999

Committee: Public Safety, Health & Technology

Sponsor: PODLODOWSKI

Committee Vote: ..DTFC:

Index Terms: POLICE-DEPARTMENT, INTERNAL-INVESTIGATIONS, CORRUPTION

Fiscal Note: *(No fiscal note available at this time)*

Text

AN ORDINANCE relating to the Police Department, creating an Office of Professional Accountability to receive and investigate complaints of misconduct by Seattle Police Department personnel and adding a new Subchapter (VIII) to Section 3.28 of the Seattle Municipal Code.

WHEREAS, on August 19, 1999, a panel of citizens appointed by the Mayor issued its report on employee accountability within the Seattle Police Department and the process used to investigate reports of police misconduct; and

WHEREAS, after more than three months of investigation, this report concluded that although Seattle has a top-rate Police Department with no evidence of widespread corruption or misconduct, there is still room for improvement; and

WHEREAS, the report offered a series of recommendations to increase confidence in the Police Department's ability to maintain standards of professional integrity; and

WHEREAS, one of the recommendations contained in the report was the creation of an Office of Professional Accountability, headed by a civilian director, nominated by the Mayor and Chief of Police and confirmed by the City Council; and

WHEREAS, both the Mayor and Chief of Police are supportive of this

recommendation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section A new Subchapter VIII, entitled "Office of Professional Accountability", is added to Chapter 3.28 of the Seattle Municipal Code, with the following sections:

3.28.700. Office of Professional Accountability Created - Functions and Authority.

There is created within the Seattle Police Department an Office of Professional Accountability (hereinafter "OPA") to receive and investigate complaints of misconduct by Seattle Police Department personnel. The responsibilities of the OPA include the following areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters involving the Police Department's investigatory and disciplinary functions; recommending policy to the Chief of Police, the Mayor, and the City Council on various issues concerning the professional standards of the Police Department; evaluating the internal investigation process; and, making recommendations on strategies and policies to improve complaint gathering and investigative procedures.

3.28.710. Definitions.

A. "OPA complaint" refers to a complaint assigned to the Office of Professional Accountability for investigation.

B. "OPA investigation" refers to an investigation of a complaint conducted by the Office of Professional Accountability.

3.28.720. Office of Professional Accountability - Director. The Director of the OPA is responsible for the investigative and administrative functions of the police disciplinary process and shall manage the overall investigative, training, and administrative functions of the OPA. The OPA Director shall:

1. Be a civilian with legal, investigative, or prosecutorial experience;
2. Be appointed by the Mayor and confirmed by the City Council;
3. Be appointed for a three year term, with the possibility of being reappointed for a second three-year term, for a maximum of six years;
4. Report directly to the Chief of Police;—
5. Be paid at a salary consistent with the level of responsibility established in this section and as provided by ordinance;
6. Direct the OPA investigative process, classify all complaints, certify completion and findings of all OPA cases, and make recommendations regarding disposition to the Chief of Police. The Chief of Police remains the final Police Department decisionmaker in

disciplinary actions;

7. Provide analysis to the Chief of Police regarding disciplinary action in order to promote consistency of discipline.

SMC 3.28.730 OPA Deputy Director.

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

SMC 3.28.740. OPA Procedures Manual.

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

SMC 3.28.750 Reports.

The Director shall issue semiannual reports to the Mayor and City Council describing the work of the OPA and making recommendations for policy changes. The OPA staff shall meet with community groups and recommend to the Chief of Police changes in policy or areas where training bulletins are needed.

SMC 3.28.760 Records.

The Director shall, in the case of unsustained complaints, prepare a summary of the investigation, including a description of the number of witnesses interviewed, the investigative methods employed, and a brief explanation of why the complaint was not sustained. The Director shall provide a copy of the summary to the complainant.

The Director shall protect the confidentiality of Department files and records to which s/he has been provided access to the extent permitted by applicable law, and in the same manner and to the same degree as s/he would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The Director shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act (RCW Chapter 10.97) and Public Disclosure Act (RCW Section 42.17.250 et seq.). The Director shall not identify the identity of the subject of an investigation in any public report required by this chapter.

Section 2. Section 1 of this ordinance shall take effect and be in force thirty (30) days from and after approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 1999, and signed by me in open session in authentication of its passage this ____ day of _____, 1999.

President of the City Council

Approved by me this ____ day of _____, 1999.

Mayor

Filed by me this ____ day of _____, 1999.

City Clerk
December 13, 1999
(Ver. 1)

