

Ordinance No. 121146

Council Bill No. 114521

# The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to the Office of Professional Accountability Review Board; changing the frequency of the Office of Professional Accountability Review Board's reports from quarterly to semiannually; and amending Seattle Municipal Code sections 3.28.910 and 3.28.915 accordingly.

CF No. \_\_\_\_\_

Date Introduced:	APR - 7 2003	
Date 1st Referred:	To: (committee)	Police, Fire, Courts & Technology Committee
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
5-12-03	8-0	
Date Presented to Mayor:	Date Approved:	
5-13-03	5/13/03	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
5/22/03	4/14/03	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

5-12-03 Passed

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*[Handwritten signature]*

*[Handwritten signature]*

COMPTON

Councilmember

**Committee Action:**

*(C)*

Compton - eye

McIver eye as amended

Dray - eye

Poye - eye

5-12-03 Passed 8-0 (Absent: Newcastle)

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

(initial/date)

*Law Department*

*(E) Final Note  
Approved  
for meeting  
will not be valid*

Law Dept. Review

OMP  
Review

City Clerk  
Review

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**ORDINANCE** 121146

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2  
3 AN ORDINANCE relating to the Office of Professional Accountability Review Board;  
4 changing the frequency of the Office of Professional Accountability Review Board's  
5 reports from quarterly to semiannually; and amending Seattle Municipal Code sections  
6 3.28.910 and 3.28.915 accordingly.

7  
8 WHEREAS the Office of Professional Accountability (OPA) Review Board has been  
9 operating successfully for one year; and

10  
11 WHEREAS Seattle Municipal Code sections 3.28.910 and 3.28.915 require the OPA  
12 Review Board to prepare and submit a quarterly report to the City Council and others;  
13 and

14  
15 WHEREAS the OPA Review Board and the City Council believe it would be more cost  
16 effective and sufficiently timely for the OPA Review Board to prepare and submit  
17 reports semiannually;

18  
19 NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

20  
21 Section 1. Seattle Municipal Code section 3.28.910 is amended as follows:

22  
23 **3.28.910 OPA Review Board to prepare ~~quarterly~~ semiannual report.**

24  
25 The OPA Review Board shall prepare and submit a ~~quarterly~~ semiannual report to  
26 the City Council, Chief of Police, City Attorney, Mayor, and City Clerk for filing as a public  
27 record. The OPA Review Board's report shall be prepared in accordance with the following  
28 provisions:

29 A. The OPA Review Board shall review and report on the implementation of the  
30 Office of Professional Accountability.

31 B. The OPA Review Board's report shall contain a general description of the files  
32 and records reviewed, and should include, but not be limited to:

- 33 1. The number of closed, completed cases reviewed;
- 34 2. The total number of complaints received by the Office of Professional  
35 Accountability;



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3. The number of complaints by category and nature of allegation;
  4. The percentage of complaints sustained and not sustained;
  5. The nature of disciplinary action taken in sustained cases;
  6. Patterns of complaints including:
    - a. Type of complaint,
    - b. Geographic area of complaint,
    - c. Race, ethnicity, gender of complainants,
    - d. Race, ethnicity, gender, assignment, seniority of officer(s) who is/are subject of complaint;
  7. The number of officers who have received three (3) or more sustained complaints within one (1) year;
  8. The number of follow-up investigations requested by the OPA Auditor, the number of follow-up investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;
  9. The number of contact log cases and line referral cases where the OPA Auditor recommended that full investigations take place, the number of such investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;
  10. A summary of issues, problems and trends noted by the OPA Review Board as a result of their review;



1  
2                   11. Any recommendations that the Department consider additional officer  
3 training, including recommendations that the Department consider specialized training for  
4 investigators;

5                   12. Any recommendations that the Department consider policy or procedural  
6 changes; and

7                   13. A review of the OPA Director's involvement in community outreach to  
8 inform citizens of the complaint process and the role of the Office of Professional  
9 Accountability.

10                  C. The OPA Review Board's report shall not contain any recommendations  
11 concerning the discipline of any particular police officer, nor shall the report comment upon  
12 or make any recommendation concerning potential civil or criminal liability of specific  
13 employees, police officers, or citizens.

14                  D. The OPA Review Board's report shall be forwarded to the President of the City  
15 Council, the Chair of the City Council's Public Safety Committee, Mayor, City Attorney and  
16 City Clerk no later than the thirtieth day of ~~March~~, June, ~~September~~ and December of each  
17 year.

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19                  Section 2. Seattle Municipal Code section 3.28.915 is amended as follows:

20                  SMC 3.28.915 OPA Review Board to meet with City Council.

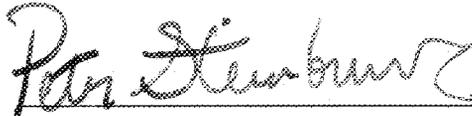
21                  The OPA Review Board shall present their report (~~quarterly~~) semiannually to the City  
22 Council.



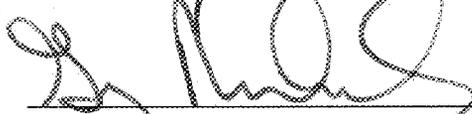
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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 12<sup>th</sup> day of May, 2003, and signed by me in open session in authentication of its passage this 12<sup>th</sup> day of May, 2003.

  
\_\_\_\_\_  
President of the City Council

Approved by me this 22 day of May, 2003.

  
\_\_\_\_\_  
Mayor

Filed by me this 22<sup>nd</sup> day of May, 2003.

  
\_\_\_\_\_  
City Clerk

(SEAL)



Peter Harris  
 3/20/03  
 fiscal note to ordinance changing OPARB reporting frequency  
 Version #1

**Fiscal Note**

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Peter Harris 684-8368	n/a

**Legislation Title:**

AN ORDINANCE relating to the Office of Professional Accountability Review Board; changing the frequency of the Office of Professional Accountability Review Board's reports from quarterly to semiannually; and amending Seattle Municipal Code section 3.28.910 accordingly.

**Summary of the Legislation:**

This ordinance would change the frequency of OPA Review Board reports to the Council, Mayor and others from quarterly to semiannually. It makes no financial or position changes.

**Appropriations (in \$1,000's):**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2002 Appropriation</b>	<b>2003 Anticipated Appropriation</b>
n/a				
<b>TOTAL</b>				

*\* This is line of business for operating budgets, and program or project for capital improvements*

*Notes:*

**Expenditures (in \$1,000's):**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2002 Expenditures</b>	<b>2003 Anticipated Expenditures</b>
n/a				
<b>TOTAL</b>				

*\* This is line of business for operating budgets, and program or project for capital improvements*

*Notes:*



**Anticipated Revenue/Reimbursement (in \$1,000's):**

Fund Name and Number	Department	Revenue Source	2002 Revenue	2003 Revenue
n/a				
<b>TOTAL</b>				

**Notes:**

**Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:**

Fund Name and Number	Department	Position Title*	2002 FTE	2003 FTE
n/a				
<b>TOTAL</b>				

\* List each position separately

**Do positions sunset in the future? (If yes, identify sunset date):**

n/a

**Background** (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Ordinance 119805 created the Office of Professional Accountability Review Board in 1999. Ordinance 120728 revised the Review Board's roles and responsibilities in 2002. Each of these required quarterly reports. The Review Board has asked to make less frequent reports so that it spends less time preparing reports and more time on its other duties.

**The financial cost of not implementing the legislation** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

None.

**Possible alternatives to the legislation which could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

The Council could schedule briefings semiannually rather than quarterly and informally ask the Review Board to eliminate two reports per year from its schedule. This would risk creating confusion about whether the Review Board and Council are fulfilling their responsibilities.

**Is the legislation subject to public hearing requirements** (If yes, what public hearings have been held to date):

No.



**Peter Harris**  
**3/20/03**  
**fiscal note to ordinance changing OPARB reporting frequency**  
**Version #1**

**Other Issues (including long-term implications of the legislation):**

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**FOR CAPITAL PROJECTS ONLY**

This legislation is not related to any capital projects.





- 1                   4. The percentage of complaints sustained and not sustained;
- 2                   5. The nature of disciplinary action taken in sustained cases;
- 3                   6. Patterns of complaints including:
  - 4                   a. Type of complaint,
  - 5                   b. Geographic area of complaint,
  - 6                   c. Race, ethnicity, gender of complainants,
  - 7                   d. Race, ethnicity, gender, assignment, seniority of officer(s) who is/are
  - 8 subject of complaint;
- 9                   7. The number of officers who have received three (3) or more sustained complaints
- 10 within one (1) year;
- 11                   8. The number of follow-up investigations requested by the OPA Auditor, the
- 12 number of follow-up investigations completed by the Department, and the number of follow-up
- 13 investigation requests denied by the Department;
- 14                   9. The number of contact log cases and line referral cases where the OPA Auditor
- 15 recommended that full investigations take place, the number of such investigations completed by the
- 16 Department, and the number of follow-up investigation requests denied by the Department;
- 17                   10. A summary of issues, problems and trends noted by the OPA Review Board as a
- 18 result of their review;
- 19                   11. Any recommendations that the Department consider additional officer training,
- 20 including recommendations that the Department consider specialized training for investigators;
- 21                   12. Any recommendations the Department consider policy or procedural changes;
- 22 and
- 23
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1                   13. A review of the OPA Director's involvement in community outreach to inform  
2 citizens of the complaint process and the role of the Office of Professional Accountability.

3                   C. The OPA Review Board's report shall not contain any recommendations concerning the  
4 discipline of any particular police officer, nor shall the report comment upon or make any  
5 recommendation concerning potential civil or criminal liability of specific employees, police officers, or  
6 citizens.

7                   D. The OPA Review Board's report shall be forwarded to the President of the City Council,  
8 the Chair of the City Council's Public Safety Committee, Mayor, City Attorney and City Clerk no later  
9 than the thirtieth day of ~~March, June, September~~ and December of each year.

10  
11                   Section 2. Seattle Municipal Code section 3.28.915 is amended as follows:

12                   **SMC 3.28.915 OPA Review Board to meet with City Council.**

13                   The OPA Review Board shall present their report ((quarterly)) semiannually to the City Council.

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1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open  
5 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2003.

6  
7 \_\_\_\_\_  
President of the City Council

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

9  
10 \_\_\_\_\_  
Gregory J. Nickels, Mayor

11 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

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13 \_\_\_\_\_  
City Clerk

14 (Seal)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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159244  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

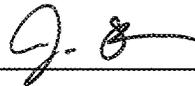
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 121146

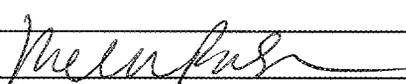
was published on

6/4/2003



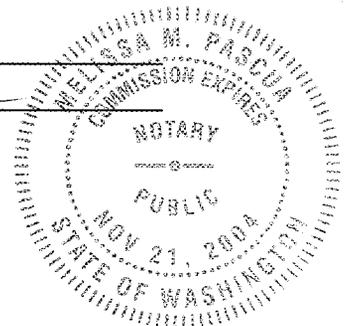
Subscribed and sworn to before me on

6/4/2003



Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### ORDINANCE 121148

AN ORDINANCE relating to the Office of Professional Accountability Review Board, changing the frequency of the Office of Professional Accountability Review Board's reports from quarterly to semiannually, and amending Seattle Municipal Code sections 3.28.910 and 3.28.915 accordingly.

WHEREAS the Office of Professional Accountability (OPA) Review Board has been operating successfully for one year; and

WHEREAS Seattle Municipal Code sections 3.28.910 and 3.28.915 require the OPA Review Board to prepare and submit a quarterly report to the City Council and others; and

WHEREAS the OPA Review Board and the City Council believe it would be more cost effective and sufficiently timely for the OPA Review Board to prepare and submit reports semiannually;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Seattle Municipal Code section 3.28.910 is amended as follows:

**3.28.910 OPA Review Board to prepare quarterly semiannual report.**

The OPA Review Board shall prepare and submit a ~~quarterly~~ semiannual report to the City Council, Chief of Police, City Attorney, Mayor, and City Clerk for filing as a public record. The OPA Review Board's report shall be prepared in accordance with the following provisions:

A. The OPA Review Board shall review and report on the implementation of the Office of Professional Accountability.

B. The OPA Review Board's report shall contain a general description of the files and records reviewed, and should include, but not be limited to:

1. The number of closed, completed cases reviewed;
2. The total number of complaints received by the Office of Professional Accountability;
3. The number of complaints by category and nature of allegation;
4. The percentage of complaints sustained and not sustained;
5. The nature of disciplinary action taken in sustained cases;
6. Patterns of complaints including:
  - a. Type of complaint;
  - b. Geographic area of complaint;
  - c. Race, ethnicity, gender of complaints;
  - d. Race, ethnicity, gender, assignment, seniority of officer(s) who is/are subject of complaint;
7. The number of officers who have received three (3) or more sustained complaints within one (1) year;
8. The number of follow-up investigations requested by the OPA Auditor, the number of follow-up investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;
9. The number of contact log cases and line referral cases where the OPA Auditor recommended that full investigations take place, the number of such investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;
10. A summary of issues, problems and