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Michael Fong/MF  
DOJ Community Police Commission  
October 8, 2012  
Version #9 (Mayor and Council)

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**

COUNCIL BILL 117608

AN ORDINANCE relating to effective and constitutional policing, creating the Community Police Commission and establishing functions and prescribing duties consistent with the settlement agreement and memorandum of understanding entered into between the United States and the City of Seattle.

WHEREAS, on July 27, 2012, the United States Department of Justice (DOJ) and the City of Seattle entered into a settlement agreement (Agreement) and memorandum of understanding (MOU) (collectively Agreements) filed with the United States District Court: Western District of Washington (Court), related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States; and

WHEREAS, on August 30, 2012, the Court provisionally approved the Agreement and ordered that the deadlines in the Agreement would run from August 27, 2012; and

WHEREAS, the Seattle Police Department (SPD) and the elected leadership of the City of Seattle are committed to providing effective and constitutional policing for all of Seattle's residents and value the role of community input and participation to enhance and promote public safety; and

WHEREAS, the Agreements outline a substantive and meaningful role for the newly created Community Police Commission (CPC) to provide ongoing community input regarding the reform process; and

WHEREAS, the Agreements provide a framework and structure for creating the CPC and delineate specific tasks to be completed, they are silent on the number of members and the internal mechanisms for the selection of the participants; and

WHEREAS, the Agreements provide that the CPC will be created by Executive Order, and the Council also has independent authority to establish the Commission by ordinance.

WHEREAS, on October 9, 2012, the Mayor issued Executive Order 02-2012 outlining the parameters for creating the CPC consistent with this Ordinance in order to begin the application process for selecting members; and

1 WHEREAS, the City Council desires to provide additional guidance, consistent with and  
2 complementary to the Agreement and MOU regarding the role of the CPC in order to  
3 provide additional clarity to commission members and transparency for members of the  
4 public; and

5 WHEREAS, the success of the CPC will require a common understanding of its roles and  
6 responsibilities by the Mayor, Council, City Attorney, DOJ, SPD and the public; and

7 WHEREAS, the City Council has received input and comments on the creation of the CPC and  
8 the process and criteria for selecting its members; and

9 WHEREAS, it is the City Council's intent that the City adhere to the terms of the Agreement and  
10 MOU; NOW, THEREFORE,

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

12 Section 1. **Commission Established.** The City of Seattle hereby establishes the  
13 Community Police Commission. The CPC will consist of 11 members and remain in existence  
14 until terminated by the City, but this termination may not occur prior to the termination of the  
15 settlement agreement between the United States and the City of Seattle.

16 Section 2. **Purpose.**

17 The Parties entered into the Agreements with the goal of ensuring that police services are  
18 delivered to the people of Seattle in a manner that fully complies with the Constitution and laws  
19 of the United States, effectively ensures public and officer safety, and promotes public  
20 confidence in the Seattle Police Department ("SPD") and its officers.

21 The CPC is established to leverage the ideas, talent, experience, and expertise of the  
22 community. Implementation of the MOU will be overseen by the Parties and the CPC. The CPC  
23 creates an important opportunity for Seattle's diverse communities to participate in the  
24 implementation of the MOU and the Settlement Agreement, and to promote greater transparency  
25 and public understanding of the Seattle Police Department.

26 Section 3. **Duties.**

27 The CPC will have the following duties:

1 A. The CPC will undertake the responsibilities assigned to the CPC in the Agreements;

2 B. The CPC will review the reports and recommendations of the Monitor, issue its own  
3 report or recommendations to the City on the implementation of the Agreement;

4 C. The CPC may review and issue reports or recommendations as to the implementation  
5 of SPD's 20/20 initiative and other initiatives of SPD and the City to support the reform process;  
6 and

7 D. The CPC may consider other issues as referred by DOJ and the City in Section III. C.  
8 of the MOU related to the following:

9 1. Community engagement

10 2. Accountability

11 a. Review of Office of Professional Accountability (OPA) structure;

12 b. Investigation timelines; and

13 c. Public education and outreach

14 3. Investigatory stops and data collection

15 4. Officer assistance and support

16 5. Transparency and public reporting.

17 E. The CPC may propose legislation to the City Council that will further the purposes  
18 described in Section 2.

19 F. The CPC may make budgetary proposals and recommendations to the City Council  
20 regarding the City's budget that will further the purposes described in Section 2.

21 The CPC is also responsible for any and all duties prescribed in the Agreement and MOU  
22 that are otherwise not identified in this ordinance. The CPC may also appear before the Court  
23 enforcing the Settlement Agreement if the Court determines that the CPC has standing and meets  
24 the requirements of Fed. R. Civ. P. 24.

1           Section 4. **Membership.** The CPC will consist of 11 members, including a Chair  
2 designated by the Mayor. All 11 members will be appointed by the Mayor and confirmed by the  
3 City Council.

4           There will be one member from the Seattle Police Officers Guild (SPOG) and one  
5 member from the Seattle Police Management Association (SPMA). The remaining nine  
6 members will be selected from applicants who reside or work in Seattle. It is the City's goal to  
7 select nine members representative of Seattle's diverse population by selecting equally qualified  
8 members from all communities including minority, ethnic, and faith communities, student and  
9 youth organizations, and any other community organizations reflecting the overall population  
10 demographic of Seattle residents. An applicant's race, sex, color, ethnicity, or national origin  
11 will not be used to select a less qualified applicant over a more qualified applicant. The CPC  
12 membership will include residents from each of the five geographic police precincts.

13           In accordance with the Agreement, the Mayor will formally appoint the initial Chair of  
14 the CPC. After formation of the CPC, the members may choose to elect a new Chair by majority  
15 vote. All members will be appointed for the duration that the Agreement and MOU are in effect.  
16 The Mayor will be able to remove a member for cause.

17           Section 5. **Membership Selection and Process.** Consistent with Executive Order 02-  
18 2012, a written, downloadable application will be posted and available on the City's website with  
19 a description of the roles and responsibilities of being a CPC member and a deadline for  
20 individual submissions. The Mayor will utilize the CPC membership selection criteria and list of  
21 desired qualifications provided as Attachment 1 to this ordinance. The Mayor will also develop  
22 a screening and selection process consistent with the framework recommended in Attachment 1  
23 of this ordinance. The criteria, desired qualifications, screening and selection process will all be  
24 posted to the City's website.

1           The Mayor will select nominations in a manner consistent with the terms of Section 4 of  
2 this Ordinance within 90 days of the effective date of this Ordinance.

3           **Section 6. Organizational Structure and Operational Parameters.** The City of  
4 Seattle will provide the staff support necessary for the CPC to perform all of the duties and  
5 responsibilities outlined in this ordinance and the Agreements. The CPC's work will be carried  
6 out consistent with the following:

7           A.       Maintain regular contact with the Mayor and City Council to ensure effective and  
8 timely communication regarding its responsibilities under the Agreements. At minimum, this  
9 should include bi-annual progress reports and may make policy recommendations to the Mayor  
10 and City Council in July and December each year.

11          B.       Hold public meetings at regular intervals (minimum of one per year) to discuss  
12 the Monitor's reports and to receive community feedback about SPD's progress or compliance  
13 with the Agreements. The City will provide the CPC with administrative, including office and  
14 meeting space, computers, and securing filing space. The City will provide the CPC with staff  
15 sufficient to support the work of the CPC. The City Attorney will be the Commission's legal  
16 advisor.

17          C.       The CPC will elect such other officers as it may deem necessary and will adopt  
18 such rules and bylaws as are required to accomplish its purposes and duties. Six members will  
19 constitute a quorum. The Commission will strive for consensus in its decision-making. Any  
20 final action must secure the approval of the majority (six members) of the entire Commission.

21          D.       CPC reports, minutes and recommendations will be posted to the City's website.

22          E.       The City will consider and respond to the CPC's requests recommendations in a  
23 timely manner.

24          F.       Without the necessity of making a public disclosure request, the CPC may request  
25 and obtain from other agencies in the City, including SPD, information that would be disclosed if  
26

1 requested under the Public Records Act. This information may be used to conduct independent  
2 analysis of SPD's trainings, policies, and practices on use of force, crisis intervention, stops and  
3 detention, accountability and bias free policing.

4 G. The CPC will update the City Council on their work through quarterly public  
5 briefings either before the Full Council, a special Committee of the Whole or the Public Safety,  
6 Civil Rights and Technology Committee (or its successor committee) during the first year of its  
7 existence. The briefings will give members of the public an opportunity to provide input to the  
8 CPC and the City Council on the SPD reform effort. Beyond the first year, briefings will be  
9 scheduled as necessary through mutual agreement between the CPC and the City Council.

10 H. The CPC will not review or report on specific cases of alleged misconduct, review  
11 or comment on discipline, and will not seek to influence the course or outcome of a specific  
12 complaint investigation or the discipline of specific police officers. The CPC will not request  
13 any information regarding an individual police officer or allegation of misconduct or disciplinary  
14 action that is not available to the public.

15 I. The CPC will be self-governing in all procedural and operational parameters  
16 except when an action would directly violate the express terms of the Agreements.

17 J. The CPC will keep minutes and records of all proceedings, including records of  
18 public meetings.

19 K. The CPC will adopt rules, regulations, and procedures for the conduct of its  
20 business and may establish any committees deemed necessary for the conduct of its business. In  
21 order to support its work, the CPC may also establish additional subcommittees or panels that  
22 include non-Commission members.

23 L. The CPC may make recommendations to the Mayor and the City Council  
24 concerning budgetary appropriations to promote reforms necessary to accomplish the terms of  
25 the Agreement and the MOU.

1           Section 7. **Coordination with Office of Professional Accountability Review Board**  
2 **(OPARB)**. Prior to the issuance of reports on police accountability and oversight, the CPC will  
3 solicit and consider the views and recommendations of OPARB regarding reforms to the City's  
4 police accountability structure and when practicable, will provide OPARB with draft reports as a  
5 means to gain any recommendations or insight OPARB may provide. Nothing in this section is  
6 intended to negate or affect the independent status and nature of the CPC.

7           Section 8. This ordinance will take effect and be in force 30 days after its approval by  
8 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
9 will take effect as provided by Seattle Municipal Code Section 1.04.020.

10           Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
11 signed by me in open session in authentication of its passage this  
12 \_\_\_\_ day of \_\_\_\_\_, 2012.

13 \_\_\_\_\_  
14 President \_\_\_\_\_ of the City Council

15  
16           Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

17 \_\_\_\_\_  
18  
19 Michael McGinn, Mayor

20           Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

21 \_\_\_\_\_  
22  
23 Monica Martinez Simmons, City Clerk

24 (Seal)

25 ATTACHMENT 1: CPC Selection Criteria

## ATTACHMENT 1: CPC Selection Criteria

### *Selection Criteria*

The following criteria will be considered for potential candidates in order to increase the Commission's potential for success. The goal is not to select individual candidates who possess all of these qualities, but to ensure that the Commission as a whole adequately represents each of these qualities.

- Demonstrated experience working effectively with diverse populations;
- Demonstrated ability to develop consensus and create positive change in organizations;
- Demonstrated knowledge of policing policies and procedures, including those related to searches and seizures, collection and release of information, use of force, and professional accountability;
- Experience in dealing with different aspects of the criminal justice system, whether from a policing, criminal prosecution or defense, victim, or defendant perspective;
- Demonstrated experience in creating and the ability to articulate firm ideas for creating a culture of policing that is community-based, effective, and constitutional;
- An understanding of local government and how City departments function in relation to one another;
- An understanding of how labor negotiations work, from a legal, management or employees perspective;
- Ability to articulate the vision and role of the Commission and describe how its work might positively impact all of Seattle's residents;
- Knowledge of, or experience with, the principles of the Race and Social Justice Initiative and other principles of race and social justice work;
- Experience in addressing mental health issues;
- Knowledge of public health and harm reduction models;
- Experience with program evaluation and outcomes measurement;
- Community leadership;
- The ability to exercise independent judgment in matters before the Commission.

Applicants are encouraged to submit the following:

- A resume or bio;
- A cover letter that describes the applicant's relevant experience and interest in the Commission in relation to the criteria described above.

**Note:** Individuals who have been arrested or who have been convicted of a crime and have demonstrated successful rehabilitation would add meaningful perspective and insight to the Commission's work and should be strongly encouraged to apply.



## FISCAL NOTE FOR NON-CAPITAL PROJECTS

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Mike Fong/5-1675	N/A

**Legislation Title:** AN ORDINANCE relating to effective and constitutional policing, creating the Community Police Commission and establishing functions and prescribing duties consistent with the settlement agreement and memorandum of understanding entered into between the United States and the City of Seattle.

**Summary of the Legislation:** This legislation, in conjunction with an Executive Order, would implement the provision for creating a Community Police Commission (CPC) as part of the settlement agreement (Agreement) and memorandum of understanding (MOU) between the United States Department of Justice (DOJ) and the City of Seattle approved in Federal Court on August 30, 2012. The framework for the CPC is outlined in the Agreement and MOU and this ordinance would formalize those elements. Some key components are as follows:

- The CPC is established to leverage the ideas, talent, experience, and expertise of the community. Implementation of the MOU will be overseen by the Parties and the CPC.
- The CPC creates an important opportunity for Seattle's diverse communities to participate in the implementation of the MOU and the Settlement Agreement, and to promote greater transparency and public understanding of the Seattle Police Department.
- The CPC will consist of eleven (11) members, including a Chair designated by the Mayor. All eleven (11) members will be appointed by the Mayor and confirmed by the City Council.
- The CPC will have the following duties:
  - o The CPC will undertake the responsibilities assigned to the CPC in the Agreements;
  - o The CPC will review the reports and recommendations of the Monitor, issue its own report or recommendations to the City on the implementation of the Agreement;
  - o The CPC may review and issue reports or recommendations as to the implementation of SPD's 20/20 initiative and other initiatives of SPD and the City to support the reform process; and
  - o The CPC may consider other issues as referred by DOJ and the City in Section III. C. of the MOU related to the following:

A. Community engagement



B. Accountability

1. Review of Office of Professional Accountability (OPA) structure;
2. Investigation timelines; and
3. Public education and outreach

C. Investigatory stops and data collection

D. Officer assistance and support

E. Transparency and public reporting.

- The CPC may propose legislation to the City Council that will further the purposes described in Section 2.
- The CPC may make budgetary proposals and recommendations to the City Council regarding the City's budget that will further the purposes described in Section 2.

The CPC is also responsible for any and all duties prescribed in the Agreement and MOU that are otherwise not identified in this ordinance. The CPC may also appear before the Court enforcing the Settlement Agreement if the Court determines that the CPC has standing and meets the requirements of Fed. R. Civ. P. 24.

**Background:**

From March to December of 2011, DOJ conducted an investigation of SPD pursuant to the Violent Crime Control and Law Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968, and Title VI of the Civil Rights Act of 1964. In December, the Justice Department announced its findings that SPD had engaged in a pattern or practice of officers using excessive force. DOJ also found concerns related to SPD policies and practices in a number of other areas including pedestrian encounters and potential bias policing. As a result, the City and DOJ negotiated and entered into a Settlement Agreement and MOU with the goal of:

“ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department (SPD) and its officers.” – Page 1, Settlement Agreement and Stipulated Order of Resolution, United States v. City of Seattle.

The CPC is one element of the Settlement Agreement and MOU. The City Council and Mayor are working collaboratively to implement and advance other elements of the Agreements.



Please check one of the following:

**This legislation does not have any financial implications.**  
 (Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

**This legislation has financial implications.**  
 (If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

**NOTE: The Mayor's Proposed 2013-2014 Budget includes funding for implementation of the DOJ Settlement Agreement and MOU. Funding associated with staffing and other administrative costs for the CPC have been accounted for within the reserve fund for DOJ implementation.**

**Appropriations:**

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance to cover this appropriation in the note section.)

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
<b>TOTAL</b>				

Revenue/Reimbursement Notes:



**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions*	2013 FTE*
<b>TOTAL</b>							

\* 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.

Position Notes:

**Do positions sunset in the future?**

(If yes, identify sunset date)

**Spending/Cash Flow:**

(This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.)

Fund Name & #	Department	Budget Control Level*	2012 Expenditures	2013 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
N/A
- b) **What is the financial cost of not implementing the legislation?**  
The CPC is an element of the Court ordered Settlement between DOJ and the City of Seattle. Not creating the CPC would be in violation of the Court order.
- c) **Does this legislation affect any departments besides the originating department?**  
SPD, Office of Civil Rights, Mayor's Office



d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

N/A

e) **Is a public hearing required for this legislation?**

No

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

g) **Does this legislation affect a piece of property?**

No

h) **Other Issues:**

**List attachments to the fiscal note below:**

