



**Mayor Greg Nickels' Plan for Implementing the
Police Accountability Review Panel's Recommendations**
February 4, 2008

More than half of the 29 recommendations will be implemented immediately:

- 15 are within the Executive's authority and within the City's management right to implement immediately. The Mayor has directed staff to do so.
- 11 are within the Executive's authority and require further discussion with the Seattle Police Officers' Guild before they can be implemented. The City has agreed to meet with the Guild on these issues. Over the next two weeks, the City and the Guild will be working together to resolve this.
- 3 are within the Council's authority – 1 of those is within City's management right to implement immediately and the other 2 require further discussion with the Guild before they can be implemented.

The 15 recommendations within the Executive's authority that will be implemented immediately are:

Recommendation 2

Each year the OPA Director, OPA Auditor and OPA Review Board should agree upon at least three substantive policy or procedural areas that will be the focus of enhanced review by the OPA Auditor. One of the first issues that should be examined is how the Department's policies, practices and procedures affect communities of color.

Recommendation 5

The OPA should focus its investigative resources on serious cases of misconduct. The OPA should identify complaints of a less serious nature as early as possible and encourage the resolution of these complaints through mediation.

Recommendation 10

OPA investigators should be provided with comprehensive training in the specialized skills needed for police internal investigations.

Recommendation 14

Civilian advocates from the Seattle Office for Civil Rights (SOCR) should be made available to assist OPA complainants through the process as needed.

Recommendation 15

The OPA Director should have control of the OPA budget and should report to the Mayor and City Council on the adequacy of OPA funding during the annual City budget process.

Recommendation 17

The OPA Director should not have worked for the City of Seattle during the preceding 10 years.

Recommendation 18

The OPA Director should not become a member of the Firearms Review Board.

Recommendation 19

The OPA Auditor should be a civilian and the position should remain outside of the Seattle Police Department.

Recommendation 21

The Police Chief should appoint a high-ranking ethics officer who would provide advice and guidance to SPD employees on issues related to professional conduct and accountability.

Recommendation 22

SPD should adopt a policy prohibiting retaliatory contact with a complainant.

Recommendation 23

SPD should implement additional training and policies to improve the cultural competence within the Department to reflect the greater diversity of Seattle.

Recommendation 26

The OPA Director, OPA Auditor and OPA Review Board should meet quarterly and each should independently prepare and jointly present a semiannual report to the Mayor and City Council.

Recommendation 27

Within 60 days of receiving recommendations from the semiannual reports, the Police Chief should respond in writing with a list of the recommendation(s) that the Chief is rejecting, an explanation for the rejection(s) and a timetable for implementing the accepted recommendations.

Recommendation 28

The OPA Auditor should monitor the progress of all OPA-related recommendations being implemented by the Police Department, including the recommendations that are accepted from this report. The OPA Auditor should report on the implementation status in the semiannual reports.

Recommendation 29

The OPA Director should document all correspondence and substantive interactions with the OPA Auditor and the OPA Review Board relating to the disciplinary process and the oversight system.

The 11 recommendations that are within the Executive's authority and require further discussion with the Guild before they can be implemented are:

Recommendation 1

The role and duties of the OPA Auditor should be clarified and expanded. This will require the responsibilities of the OPA Auditor to be increased beyond its current part-time independent contractor status. Specifically, the OPA Auditor's duties should include making recommendations to strengthen police accountability; performing in-depth reviews (audits) of substantive policies, procedures and/or training that affect police accountability; and issuing public reports on its findings. The compensation and resources available to the OPA Auditor must be made commensurate with its responsibilities.

Recommendation 3

There should be a separation between OPA investigations and any related criminal or civil proceedings. OPA investigators should not be involved as investigators in any related civil or criminal matter. Pending civil or criminal matters should not delay OPA investigations.

Recommendation 4

SPD should adopt a rule that precludes the use of overtime or accrued vacation time to satisfy a disciplinary penalty that mandates suspension without pay.

Recommendation 6

The OPA Director should attend all disciplinary hearings.

Recommendation 7

If new material facts are disclosed at the disciplinary hearing, and the Chief is inclined to act contrary to the OPA Director's recommendation, the case should be sent back to the OPA for further investigation.

Recommendation 8

The 180-day limit to investigate a complaint of police misconduct should be able to be extended by the OPA for good cause (e.g., when further investigation is required due to new information introduced at a disciplinary hearing or when a material witness cannot be contacted due to a pending criminal proceeding).

Recommendation 9

The City should review, evaluate and consider amending its policy relating to the use of *Garrity* protections. Officers and City staff involved in implementing *Garrity* policy should be regularly trained in its appropriate use.

Recommendation 16

The OPA Director, in consultation with the Police Chief, should have the authority to select and transfer OPA staff, including sworn investigators and the Deputy Director.

Recommendation 20

SPD should adopt a policy that presumes an officer will be terminated for sustained complaints involving dishonesty that either relate to or occur within the scope of the officer's official duties, or that relate to the administration of justice. If the Police Chief chooses to impose a disciplinary sanction other than termination, he should be required to state his reasons in writing. This written statement shall be provided to the OPA Director, and upon request, to the Mayor and City Council.

Recommendation 24

The OPA should adopt a policy that requires public disclosure of all OPA records to the maximum extent allowed by law. Records of all sustained complaints, including the punishment imposed, should be made public in a format designed to protect the privacy of the officers and complainants to the extent required by law.

Recommendation 25

When the Police Chief changes a recommended finding from the OPA, the Chief should be required to state his reasons in writing and provide these to the OPA Director. A summary of the Chief's decisions should be provided to the Mayor and City Council upon request.

The recommendation that is within the Council's authority that can be implemented immediately is:

Recommendation 12

The OPA Review Board should research and report on national trends and best practices in police accountability and oversight; review OPA policies and procedures and provide recommendations for improvement; and should offer suggested topics for officer training.

The 2 recommendations that are within the Council's authority and require further discussion with the Guild before they can be implemented are:

Recommendation 11

The OPA Review Board should be the primary link between the community and the police accountability system. The OPA Review Board should conduct at least four public hearings and/or community listening sessions each year.

Recommendation 13

The OPA Review Board membership should be expanded from three to between five and seven members. The members should reflect the diversity of Seattle and should be Seattle residents.