

8. New Section 2.XX – Policing Accountability

Charter Review Committee

Amendment Summary

Section 2.XX and Section 2.XX (New Sections, Article II)

Brief Summary of Amendment

- Establishes an Office of Policing Accountability for the purpose of providing oversight to the Tacoma Police Department.
- Establishes that the Director of the Office of Policing Accountability is appointed by, reports to, and is supervised by the Council.
- Mandates appointment and removal of the Director of the Office of Policing Accountability is a majority of the Council.
- Assigns powers and duties to the Office of Policing Accountability to be provided for by ordinance.
- Establishes a civilian Community Oversight Committee for Policing Accountability consisting of the existing Community's Police Advisory Committee or successor committee to review, advise, and report on the activities and effectiveness of Office of Policing Accountability.
- Assigns membership, powers, and duties to Community Oversight Committee to be further implemented by ordinance.

Committee Vote

Yes: Katie Baird, Nicholas Carr, Maricres Castro, Jason Gauthier, Andre Jimenez, Latasha Palmer, Rebecca Stith, Steve Wamback, Diamatris Winston

No: Patrick Fischer

Abstain: Andrea Reay

Absent: Bryan Flint, Melissa Malott, Lok Yin Wu

Amendments

NEW SECTION. Section 2.XX.

An Office of Policing Accountability shall be established for the purpose of independent oversight of the Tacoma Police Department. The Director of the Office of Policing Accountability shall be appointed by the Council subject to qualifications established by ordinance. The Director shall report to and be supervised by the Council, and may be removed at any time for cause. Appointment of the Director shall be by a majority of the Council and removal of the Director shall require the affirmative vote of no less than two-thirds of the members of the Council. The Office shall have the authority to hire and supervise its staff or contractors and shall be provided with a sufficient budget to carry out its powers and duties.

The powers and the duties of the Office of Policing Accountability shall be as provided by ordinance and shall include, but not be limited to the following:

- (a) manage and administer an external and accessible civilian complaint process;
- (b) review and analysis of conduct of sworn Tacoma Police Department officers that have been the subject of a complaint;
- (c) review and analysis of use of force conduct by sworn Tacoma Police Department officers whether or not the use of force it has been the subject of a complaint;
- (d) review and analysis of internal investigations conducted and disciplinary action taken by the Chief of Police regarding conduct or use of force by sworn Tacoma Police Department officers;
- (e) make and publish findings, conclusions and recommendations related to the Office of Policing Accountability's oversight of the Tacoma Police Department; and
- (f) recommend specific disciplinary actions to be implemented by the Chief of Police.

The Office has the following access and authority:

- (a) independent investigatory powers;
- (b) full access to and cooperation from the Chief of Police and Tacoma Police Department internal affairs staff; and
- (c) access to all relevant information and authority, including, but not limited to, the following:
 - (1) review and copying of relevant Tacoma Police Department files;
 - (2) subpoena of witnesses, documents and other evidence;
 - (3) administration of oaths;
 - (4) inspection of crime scenes;
 - (5) conduct of interviews;
 - (6) conduct of investigations; and
 - (7) holding hearings.

The implementation of disciplinary recommendations made by the Office of Policing Accountability shall be monitored and evaluated by the Council subject to a systematic and transparent process provided by ordinance. Any witnesses subpoenaed by or appearing before the Office of Policing Accountability shall have the right to be represented by counsel.

NEW SECTION. Section 2.XX.

The Community Oversight Committee for Policing Accountability shall be established. The Oversight Committee shall consist of the existing Community's Police Advisory Committee or successor committee. The Community Oversight Committee shall review, advise, and report on the activities and effectiveness of Office of Policing Accountability. The membership, qualifications, process for appointment, powers, duties, and procedures of the Community Oversight Committee for Policing Accountability shall be provided by ordinance and shall include but not be limited to:

- (a) review the Office of Policing Accountability's reports, findings, and recommendations prior to finalization and presentation to the Council by the Office of Policing Accountability;
- (b) conduct community outreach to seek input on equity and social justice matters, services, programs, policies, procedures, rules, training, and issues of public safety;
- (c) advise the Chief of Police and the City Council on opportunities for systemic improvement in the law enforcement practices of the Tacoma Police Department; and

- (d) provide advice and recommendations to the Mayor, City Council, City Manager, Chief of Police, and the Office of Policing Accountability on equity and social justice matters, services, programs, policies, procedures, rules, training, and issues of public safety.

Amendment Positions

Rationale for Amendment:

The proposed amendment would establish an Office of Policing Accountability in Tacoma, which is responsible for overseeing the Tacoma Police Department in use of force investigations. Operating under the supervision of the Council, the Office would manage an external civilian complaint process, review police conduct and use of force, conduct parallel internal investigations, and recommend disciplinary actions. It would have powers to conduct independent investigations, access police files, subpoena evidence, and hold hearings. An Oversight Committee, consisting of the existing Community's Police Advisory Committee, would review the Office's findings and conduct community outreach to influence policing policies. The Oversight Committee would also have the power to advise the Chief of Police, the City Council, and the Mayor on opportunities for systemic improvement within the Tacoma Police Department. This amendment aims to enhance accountability and transparency in police operations in Tacoma and end the practice of police investigating themselves.

Dissenting Position(s):

The establishment of an Office of Policing Accountability as presented adds significant layers of oversight that don't appear necessary and is most certainly not inexpensive. In early discussions it was envisioned that this Office would report to the City Council but also contained the proviso that it could be expanded by the Council in the future to provide for oversight to other divisions and departments of City Government. Given that this proviso has been omitted, the structure proposed in this amendment is not cost effective. Additionally it was troubling that an impetus for creation of this board seemed to contain a "presumption of guilt" as a reason it is needed. Such a presumption, of course, is contrary to a basic tenet embedded in the way this country is governed. For these reasons I have opposed this charter provision.