

WHEREAS, Seattle’s police officers, detectives and sergeants, roughly 1,300 members in all, have continued to provide critical public safety services to the residents and visitors of Seattle without a labor contract since January 1, 2015; and

WHEREAS, the City Council recognizes the sacrifice and contributions of SPOG members, who strive to ensure the City achieves its public safety goals while being strong partners in ongoing efforts to implement lasting policing reforms and accountability structures, critical to ensuring the security of our communities but especially those that are disproportionately impacted by unconstitutional policing; and

WHEREAS, the City Council also recognizes the right of SPOG and all public employee unions to collectively bargain for wages, hours, and working conditions in the best interest of their members; and

WHEREAS, in July 2012 the City entered into a settlement agreement (“Consent Decree”) with the United States Department of Justice (DOJ), enforceable by the U.S. District Court for the Western District of Washington (“Court”), in *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR); and

WHEREAS, the City Council votes to approve Council Bill 119368 and, with it, the SPOG CBA, while acknowledging that the Community Police Commission (Attachment 1), the Office of Police Accountability (Attachment 2), and the Office of Inspector General for Public Safety (Attachment 3), submitted to the City Council their analysis and concerns about its compliance with Ordinance 125315 (hereinafter “Accountability Ordinance”); and

WHEREAS, the City Council unanimously passed Ordinance 125315 in May 2017, and key to the Accountability Ordinance were several Findings of Fact and Declarations, including but not limited to, a clear statement of the City Council’s goals in adopting the Accountability Ordinance: “The goals of this ordinance are to institute a comprehensive and lasting police oversight system that ensures 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 and State of Washington, effectively ensures public and officer safety, and promotes public confidence in SPD and the services that it delivers. To accomplish these goals, The City

of Seattle has committed to strengthen elements of Seattle’s existing system including building a strong community-based entity with authority to review and weigh in on police policies and assess the responsiveness of SPD, The City of Seattle, and accountability system professionals to community concerns, which has been missing in previous reform efforts”; and

WHEREAS, on September 17, 2017, the Court issued its Order Regarding Accountability Ordinance, in which the Court declined “to rule on the entirety of the Ordinance as it relates to the SPD accountability system at this time. (*See* Tr. at 8-9, 21-22.) Until the collective bargaining process is complete, the court cannot be assured that the Ordinance, as it stands today, is a final product. The court declines to rule on a variant of the Ordinance, but will await the final version that is ultimately implemented following collective bargaining”; and

WHEREAS, the Court went on in its September 7, 2017, Order Regarding Accountability Ordinance, by explaining its rationale for declining to approve the Accountability Ordinance: “In withholding its approval, the court is not suggesting that the City should not implement those portions of the Ordinance that the City understood would take effect 30 days after the Mayor signed the Ordinance (*see* Supp. Br. At 3), or that the City should refrain from entering into collective bargaining concerning those aspects of the Ordinance that require it (*see id.* at 9 (suggesting that court approval is necessary for the City to engage in collective bargaining over the Ordinance)). The court simply declines to place its final imprimatur on what is essentially a work-in-progress. The court cautions the parties who either are or will be engaged in collective bargaining over provisions of the Ordinance that the United States Constitution and the right of the City’s citizens to have constitutional policing ultimately trumps all other concerns at issue here”; and

WHEREAS, the City Council approves the SPOG CBA in order to make possible judicial review; and

WHEREAS, the City Council seeks the guidance and direction of the Court with regard to the CBA’s compliance with the terms and purposes of the Consent Decree and its consistency with the stated goals

of the Accountability Ordinance and the principles of constitutional policing; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City Council requests that the City Attorney’s Office jointly file this resolution, including Attachments 1-3, and the Seattle Police Officers’ Guild (SPOG) collective bargaining agreement (CBA) with the Court to request a judicial review of the labor contract.

Section 2. In furtherance of continued compliance with the Consent Decree, the City Council requests that the City Attorney’s Office petition the Court to review those contract terms that fall within the scope of the Court’s judicial oversight role pursuant to the Consent Decree, specifically including, but without limitation, the following terms of the CBA:

- A. **Article 3.1** (page 6) - The standard of review and burden of proof in labor arbitration (Seattle Municipal Code (SMC) 3.29.135.F);
- B. **Article 3.6.B-D** (pages 9-12) - The calculation, extension and/or re-calculation of the 180-day timeline for the Office of Police Accountability to investigate complaints of misconduct by the Seattle Police Department (SMC 3.29.130); and
- C. **Appendix E.12** (page 84) - Narrowing of legislated subpoena powers of the Office of Police Accountability (SMC 3.29.125.E) and the Office of Inspector General (SMC 3.29.240.K).

Adopted by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its adoption this _____ day of _____, 2018.

President _____ of the City Council

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

- Attachment 1 - Overview of Several Issues with SPOG Tentative Agreement Related to Implementation of Accountability System Reforms
- Attachment 2 - Office of Police Accountability Letter to Councilmember M. Lorena González
- Attachment 3 - Office of Inspector General Memorandum to Councilmember M. Lorena González