



Legislation Details (With Text)

File #: CB 119981 **Version:** 4 **Name:** CB 119981
Type: Council Bill (CB) **Status:** Did Not Pass
In control: Public Safety and Human Services Committee

On agenda: 6/1/2021

Final Action: **Ord. No.**

Title: AN ORDINANCE amending Ordinance 126237, which adopted the 2021 Budget, including the 2021-2026 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; and adding or modifying provisos.

Sponsors: Lisa Herbold, Teresa Mosqueda

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Backup Slides to the Central Staff Memo (added; 1/26/21), 4. SPD Memo, 5. SPD Presentation, 6. Proposed Substitute (3/23/21), 7. Central Staff Presentation on Amendment 1 to CB 119981 (added; 3/23/21), 8. Presentation (added 5/11/21), 9. Amendment 1 (added 5/21/21), 10. Proposed Amendment 1, 11. Proposed Amendment 2 (added; 6/2/21)

Date	Ver.	Action By	Action	Result
6/1/2021	2	City Council	not passed	Fail
5/11/2021	1	Public Safety and Human Services Committee	do not pass	Fail
3/23/2021	1	Public Safety and Human Services Committee	postponed	
3/9/2021	1	Public Safety and Human Services Committee	discussed	
2/23/2021	1	Public Safety and Human Services Committee	discussed	
2/9/2021	1	Public Safety and Human Services Committee	postponed	
12/14/2020	1	City Council	referred	
12/11/2020	1	Council President's Office	sent for review	
12/10/2020	1	City Clerk	sent for review	

AN ORDINANCE amending Ordinance 126237, which adopted the 2021 Budget, including the 2021-2026 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; and adding or modifying provisos.

WHEREAS, Resolution 31962, adopted by the City Council (“Council”) on August 10, 2020, stated that the

Council would not support any budget amendments to increase the Seattle Police Department’s (SPD)

budget to offset overtime expenditures above the funds budgeted in 2020 or 2021; and

WHEREAS, Ordinance 126257, introduced after adoption of the 2021 Budget, increased SPD's 2020 budget by \$5.4 million; and

WHEREAS, the Council believes that SPD would have had sufficient appropriation authority to cover the \$5.4 million had it not overspent its overtime budget, due largely to over-deployment of officers during the largely peaceful demonstrations in the summer of 2020, including a deployment of officers that exceeded \$10 million in overtime costs in less than 60 days; and

WHEREAS, the Council anticipates that there will be salary savings in SPD's budget in 2021 due to higher than anticipated attrition that has already occurred in October 2020 and may continue to occur during November 2020 and December 2020 and is continuing into 2021; and

WHEREAS, reducing SPD's 2021 appropriation authority offsets the increased authority provided in 2020 and increases funding for non-congregate shelter services that are modeled after the JustCARE pilot program; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (Council) finds and declares:

A. The Seattle Police Department (SPD) has experienced an unprecedented number of officer separations over the past eight months, culminating in the separation of 186 officers by the end of 2020. In total, SPD had 135 fewer officers than at the start of 2020, with only 51 officers hired, partly resulting from the citywide hiring freeze ordered by the Mayor in response to budget shortfalls resulting from the COVID pandemic. The trend in additional separations appears to be continuing in 2021 as SPD reported that a total of 58 officers separated and 30 officers were hired in the first quarter of the year.

B. SPD has and may continue to realize salary savings in 2021 because the Adopted Budget provided salaries for many officers that separated late in 2020, either during the development of the 2021 Adopted Budget or shortly after it was adopted.

C. A Council Central Staff Analysis found that the unplanned separations in 2020 could result in as

much as \$13 million in salary savings in 2021.

D. The Mayor's 2021 Proposed Budget cut \$4.1 million in civilian salary funding, which requires SPD to hold unfilled approximately 40 civilian positions. This cut was included in the City's 2021 Adopted Budget.

E. SPD has expressed an interest in using its salary savings on expenditures that will help to mitigate the loss of officers, to respond to calls for more transparency and accountability, and to allow the agency to continue its compliance with the 2012 Federal Consent Decree. The expenditures requested by SPD include:

1. \$1,400,000 on civilian positions including 2.0 FTE Crime Prevention Coordinators, 4.0 FTE Community Service Officers, 1.0 FTE Community Service Officer Supervisor, 1.0 FTE Management Systems Analyst Supervisor, 2.0 FTE Administrative Staff Analysts for public disclosure and 1.0 FTE Sr. Management Systems Analyst;

2. \$2,185,000 on technology investments that include maintenance and expansion of the Data Analytics Platform, purchase of a capacity planning tool that will allow SPD to evaluate demand for 911 response, calculate staffing requirements and determine "future state" based on scenarios such as 911 alternate responses, an Innovation Blueprint that would increase transparency, build public trust, and improve police practices as called for by Executive Order 2020-10 and an Early Intervention System that would expand capacity for predicting and guiding interventions for employees exhibiting signs they need support, all of which would support SPD's ability to comply with the Federal Consent Decree; and

3. Up to \$1,800,000 on separation pay for officers and civilians that are projected to leave in 2021, including payout of unused vacation time and other costs associated with separation from the City.

F. In a March 2015 Audit, the City Auditor found that staffing issues in SPD's Public Disclosure unit hinder SPD's ability to ensure accurate and timely responses, provide reasonable assurance of compliance with state law, and promote transparency and public trust. The Council agrees with City Auditor recommendations and supports: (1) the hiring of the 2.0 FTE Administrative Staff Analysts identified in finding D.1; (2) the hiring of an additional 1.0 FTE Administrative Staff Analyst; (3) a dedication of no fewer than 2.0 FTE

Administrative Staff Analysts funded through the Office of Police Accountability to work on public records requests made of the Office of Police Accountability; and (4) the addition of 1.0 FTE Information Technology Specialist position that is funded in the Seattle Information Technology Department but is dedicated to SPD public disclosure e-mail search and may be housed inside of the Seattle Police Department Headquarters Building.

G. In a December 2020 audit, the Office of the Inspector General for Public Safety found that the “high capacity of the warehouse and the 100 percent capacity of the vehicle storage facility presented risk” and recommended that “SPD should remedy the capacity issues at both storage facilities to ensure fire safety and proper evidence storage.” The Council finds that the Department of Finance and Administrative Services can begin to address storage capacity issues with an additional \$500,000 to dedicate towards additional leased space for SPD.

H. The SPD Crisis Response Team (CRT), which pairs specially trained officers with mental health professionals funded in the Human Services Department to assist individuals in mental health crises, should be augmented with an additional five mental health responders to better enable it to connect individuals in crisis to resources to help to address their physical and mental health needs, to divert them from the criminal justice system, and to better equip officers who are responding to 911 calls that require interaction with persons in crisis, who may also be a threat to the safety of the officers or the public.

I. SPD has a sufficient amount of salary savings to fund position costs for half of 2021 for at least the positions identified in these findings as well as the technology investments, separation pay, CRT investment, and investments in public disclosure and evidence storage space. Additionally, SPD has sufficient salary savings to absorb a cut of \$2.0 million that can be redirected towards non-congregate shelter services that are modeled after the JustCARE pilot program.

J. The Council will, through separate legislation, provide any necessary position authority to allow SPD to hire the civilian positions that will be funded with salary savings.

K. The Council recognizes the importance of SPD’s need to plan for use of future salary savings to (1) address emerging issues related to the COVID pandemic and the timing and availability of vaccines to the general public, including the need to use salary savings to address costs related to a resurgence in special events; (2) for patrol augmentation that would help to offset staffing losses; and (3) to address training issues including those required by the Federal Consent Decree. The Council finds that an amendment of a \$5.0 million salary savings proviso in the 2021 Adopted Budget (CBA-011-B-002) and the elimination of a \$2.5 million out-of-order proviso in the 2021 Adopted Budget (CBA-008-A-003) would allow SPD more flexibility to plan for these and other emerging fiscal issues.

L. The Council expresses its ongoing interest in monitoring SPD salary savings and will do so with the assistance of the sworn staffing reports requested in Council Budget Action SPD-003-A-003 as adopted in Clerk File 314464.

M. Out-of-order layoffs based on sustained misconduct are not practical because: (1) Public Safety Civil Service rules would allow laid off officers to be placed on a reinstatement register and re-hired when SPD is hiring new officers; and (2) Chapter 10.93 RCW precludes any “adverse personnel action” to be taken against a police officer solely because the officer is on a Brady list, a disclosures of members of law enforcement whose involvement in a case as an arresting officer, investigator, or witness is in question because of a history of dishonesty or misconduct.

Section 2. The appropriations for the following items in the 2021 Budget are modified from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
2.1	Seattle Police Department	General Fund (00100)	West Precinct (00100-BO-SP-P6100)	(\$438,691)
2.2	Seattle Police Department	General Fund (00100)	North Precinct (00100-BO-SP-P6200)	(\$499,442)
2.3	Seattle Police Department	General Fund (00100)	South Precinct (00100-BO-SP-P6500)	(\$321,666)

2.4	Seattle Police Department	General Fund (00100)	East Precinct (00100-BO-SP-P6600)	(\$348,929)
2.5	Seattle Police Department	General Fund (00100)	Southwest Precinct (00100-BO-SP-P6700)	(\$270,123)
2.6	Seattle Police Department	General Fund (00100)	Criminal Investigations (00100-BO-SP-P7000)	(\$946,149)
2.7	Seattle Police Department	General Fund (00100)	Chief of Police (00100-BO-SP-P1000)	(\$144,457)
2.8	Human Services Department	General Fund (00100)	Addressing Homelessness (BO-HS-H3000)	\$2,000,000
2.9	Finance and Administrative Services	Finance and Administrative Services Fund (50300)	Facilities Services (50300-BO-FA-FACILITY)	\$500,000
2.10	Seattle Information Technology Department	Information Technology Fund (50410)	Leadership and Administration (50410-BO-IT-D0100)	\$100,000
2.11	Human Services Department	General Fund (00100)	Supporting Safe Communities (00100-BO-HS-H4000)	\$225,000
2.12	Seattle Police Department	General Fund (00100)	Office of Police Accountability (00100-BO-SP-P1300)	\$144,457
Total				\$0

Section 3. This ordinance imposes a proviso, as follows:

“Of the appropriation in the 2021 budget for the Human Services Department, Addressing Homelessness Budget Summary Level (HSD-BO-HS-H3000), \$2,000,000 is appropriated solely to provide non-congregate shelter in hotel rooms, intensive support services, and outreach to individuals experiencing chronic homelessness or who have high barriers to service engagement, similar to the model piloted by JustCARE, and may be spent for no other purpose.”

Section 4. Council Budget Action SPD-011-B-002 of Clerk File 314464 is amended as follows:

This Council Budget Action would impose the following proviso: “Of the appropriation in the 2021 budget for the Seattle Police Department, \$5 million may not be spent (~~until authorized by a future ordinance~~) until the Seattle Police Department complies with the terms of Statement of Legislative Intent SPD-003-A-003 of this Clerk File, including the provision of forecasted separation and hiring numbers in 2021 and 2022, and a

copy of the SLI responses have been filed with the City Clerk. For each monthly report received by the City Clerk between May 19, 2021 and December 21, 2021, \$625,000 shall be released and the \$5.0 million proviso will be reduced accordingly.”

The Council’s intent in amending this proviso is that SPD staff have access to future salary savings to fund its staffing plan.

Section 5. Council Budget Action SPD-008-A-003 of Clerk File 314464 is amended as follows:

~~((This Council Budget Action would impose the following proviso: “Of the appropriation in the 2021 budget for the Seattle Police Department, \$2,500,000 may not be spent until authorized by future ordinance. The Council requests that the Chief of the Seattle Police Department and the Director of the City’s Office of Labor relations immediately petition the Public Safety Civil Service Commission to authorize 35 out-of-order layoffs in accordance with the principles identified in Resolution 31962.”))~~

Section 6. The Council intends that use of salary savings for overtime costs above those budgeted in 2021 for special events, including staffing mass vaccination sites, should be consistent with an events staffing deployment approach that ensures, excepting security within facilities, non-sworn SPD staff are prioritized to provide events staffing so sworn staff can be prioritized for patrol staffing and 911 response needs, consistent with:

1. The 2017 City Audit finding that “at many special events, SPD sworn personnel perform work that is primarily traffic-directing” and recommendation to “evaluate the traffic-centric special events work SPD sworn officers perform and consider using non-sworn personnel for some of it;”
2. The Special Event shared work jurisdiction between Seattle Parking Officers’ Guild (“SPEOG”) and Seattle Police Officers’ Guild (“SPOG”) as described in the Memorandum of Agreement on September 29, 2018; and
3. SPD Manual 14.100: If event staffing requires more resources beyond Traffic Section personnel, Non-Traffic volunteers are solicited.

Section 7. The Council establishes its intent that SPD, to the extent possible, uses salary savings from unanticipated, extraordinary officer separations to fund the position costs and investments within SPD identified in Section 1, findings E and F. The Council also recognizes the flexibility that SPD budget staff need to address emerging issues and mitigate recent officer attrition and staffing issues. The Council requests that SPD prioritize its salary saving expenditures to fulfill its obligations under the Federal Consent Decree and its Charter responsibility to provide adequate public safety services to those who visit, live, and work in Seattle.

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

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)