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2 Amendment 1 To Substitute Council Bill 119981  
3  
4

5 **Amendment Name:** Amendment 1  
6

7 **Sponsor:** CM Herbold  
8

9 **Proposed Amendment:**

10 On page 1, make the following changes to the Substitute Bill:

11 ..title

12 AN ORDINANCE amending Ordinance 126237, which adopted the 2021 Budget, including the  
13 2021-2026 Capital Improvement Program (CIP); changing appropriations to various  
14 departments and budget control levels, and from various funds in the Budget; and adding  
15 or modifying provisos.  
16

17 ..body

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

19 stated that the Council would not support any budget amendments to increase the Seattle

20 Police Department’s (SPD) budget to offset overtime expenditures above the funds

21 budgeted in 2020 or 2021, and expressed the Council’s intent to reduce SPD’s budget in

22 phases and increase funding for community-led research and participatory budgeting; and

23 WHEREAS, ~~((the ordinance introduced as Council Bill 119970))~~ Ordinance 126257, introduced

24 after adoption of the 2021 Budget, increased SPD’s 2020 budget by \$5.4 million; and

25 WHEREAS, the Council believes that SPD would have had sufficient appropriation authority to

26 cover the \$5.4 million had it not overspent its overtime budget, due largely to over-

27 deployment of officers during the largely peaceful demonstrations in the summer of

28 2020, including a deployment of officers that exceeded \$10 million in overtime costs in

29 less than 60 days; and

30 WHEREAS, the Council anticipates that there will be salary savings in SPD’s budget in 2021

31 due to higher than anticipated attrition that has already occurred in October 2020 and may

1 continue to occur during November 2020 and December 2020 and is continuing into  
2 2021; and

3 WHEREAS, reducing SPD's 2021 appropriation authority offsets the increased authority  
4 provided in 2020 and increases funding for the community-led participatory budgeting  
5 work called for in Resolution 31962; NOW, THEREFORE,

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

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

8 A. The Seattle Police Department (SPD) has experienced an unprecedented number of  
9 officer separations over the past eight months, culminating in the separation of 186 officers by  
10 the end of 2020. In total, SPD had 135 fewer officers than at the start of 2020, with only 51  
11 officers hired, partly resulting from the citywide hiring freeze ordered by the Mayor in response  
12 to budget shortfalls resulting from the COVID pandemic. The trend in additional separations  
13 appears to be continuing in 2021 as SPD reported that a total of ~~((22 officers separated, and 22~~  
14 ~~recruits were hired in January.))~~ 58 officers separated and 30 officers were hired in the first  
15 quarter of the year.

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

19 C. A Council Central Staff Analysis found that the unplanned separations in 2020 could  
20 result in as much as ~~(( $\$7.7$ ))~~  $\$13$  million in salary savings in 2021.

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

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

5 1. \$1,400,000 on civilian positions including 2.0 FTE Crime Prevention  
6 Coordinators, 4.0 FTE Community Service Officers, 1.0 FTE Community Service Officer  
7 Supervisor, 1.0 FTE Management Systems Analyst Supervisor, 2.0 FTE Administrative Staff  
8 Analysts for public disclosure and 1.0 FTE Sr. Management Systems Analyst;

9 2. \$2,185,000 on technology investments that include maintenance and expansion  
10 of the Data Analytics Platform, purchase of a capacity planning tool that will allow SPD to  
11 evaluate demand for 911 response, calculate staffing requirements and determine “future state”  
12 based on scenarios such as 911 alternate responses, an Innovation Blueprint that would increase  
13 transparency, build public trust, and improve police practices as called for by Executive Order  
14 2020-10 and an Early Intervention System that would expand capacity for predicting and guiding  
15 interventions for employees exhibiting signs they need support, all of which would support  
16 SPD’s ability to comply with the Federal Consent Decree; and

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

20 F. In a March 2015 Audit, the City Auditor found that staffing issues in SPD’s Public  
21 Disclosure unit hinder SPD’s ability to ensure accurate and timely responses, provide reasonable  
22 assurance of compliance with state law, and promote transparency and public trust. The Council  
23 agrees with City Auditor recommendations and supports: (1) the hiring of the 2.0 FTE

1 Administrative Staff Analysts identified in finding D.1; (2) the hiring of an additional 1.0 FTE  
2 Administrative Staff Analyst; (3) a dedication of no fewer than 2.0 FTE Administrative Staff  
3 Analysts funded through the Office of Police Accountability to work on public records requests  
4 made of the Office of Police Accountability; and (4) the addition of 1.0 FTE Information  
5 Technology Specialist position that is funded in the Seattle Information Technology Department  
6 but is dedicated to SPD public disclosure e-mail search and may be housed inside of the Seattle  
7 Police Department Headquarters Building.

8 G. (~~In a December 2020 Audit, the Office of the Inspector General for Public Safety~~  
9 ~~found that SPD's evidence storage facility is inadequate leading to improper destruction of DNA~~  
10 ~~evidence and purging of evidence from an unknown number of homicide investigations.)) In a  
11 December 2020 audit, the Office of the Inspector General for Public Safety found that the "high  
12 capacity of the warehouse and the 100 percent capacity of the vehicle storage facility presented  
13 risk" and recommended that "SPD should remedy the capacity issues at both storage facilities to  
14 ensure fire safety and proper evidence storage." The Council finds that the Department of  
15 Finance and Administrative Services can begin to address storage capacity issues with an  
16 additional \$500,000 to dedicate towards additional leased space for SPD.~~

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

1 I. SPD has a sufficient amount of salary savings to fund position costs for half of 2021 for  
2 at least the positions identified in these findings as well as the technology investments,  
3 separation pay, CRT investment, and investments in public disclosure and evidence storage  
4 space. Additionally, SPD has sufficient salary savings to absorb a cut of \$2.0 million that can be  
5 redirected towards the City’s Participatory Budgeting efforts.

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

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

17 L. The Council expresses its ongoing interest in monitoring SPD salary savings and will  
18 do so with the assistance of the sworn staffing reports requested in Council Budget Action SPD-  
19 003-A-003 as adopted in Clerk File 314464.

20 M. Recent legal analyses show that out-of-order layoffs based on sustained misconduct  
21 are not practical because: (1) Public Safety Civil Service rules would allow laid off officers to be  
22 placed on a reinstatement register and re-hired when SPD is hiring new officers; and (2) Chapter  
23 10.93 RCW precludes any “adverse personnel action” to be taken against a police officer solely

1 because the officer is on a Brady list, a disclosures of members of law enforcement whose  
 2 involvement in a case as an arresting officer, investigator, or witness is in question because of a  
 3 history of dishonesty or misconduct.

4 ((Section 2. The appropriations for the following items in the 2021 Adopted Budget are  
 5 reduced from the funds shown below:

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)
<b>Total</b>				<b>(\$2,969,457)</b>

6 Section 3. The appropriations for the following items in the 2021 Budget are increased  
 7 from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
3.1	Finance General	General Fund (00100)	General Purpose (00100-BO-FG-2QD00)	\$2,000,000
3.2	Finance and Administrative Services	Finance and Administrative Services Fund (50300)	Facilities Services (50300-BO-FA-FACILITY)	-\$500,000

<b>Item</b>	<b>Department</b>	<b>Fund</b>	<b>Budget Summary Level/BCL Code</b>	<b>Amount</b>
3.3	Seattle Information Technology Department	Information Technology Fund (50410)	Leadership and Administration (50410-BO-IT-D0100)	\$100,000
3.4	Human Services Department	General Fund (00100)	Supporting Safe Communities (00100-BO-HS-H4000)	\$225,000
3.5	Seattle Police Department	General Fund (00100)	Office of Police Accountability (00100-BO-SP-P1300)	\$144,457
<b>Total</b>				<b>(\$2,969,457)</b>

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

<b>Item</b>	<b>Department</b>	<b>Fund</b>	<b>Budget Summary Level/BCL Code</b>	<b>Amount</b>
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	Finance General	General Fund (00100)	General Purpose (00100-BO-FG-2QD00)	\$2,000,000

<u>2.9</u>	<u>Finance and Administrative Services</u>	<u>Finance and Administrative Services Fund (50300)</u>	<u>Facilities Services (50300-BO-FA-FACILITY)</u>	<u>\$500,000</u>
<u>2.10</u>	<u>Seattle Information Technology Department</u>	<u>Information Technology Fund (50410)</u>	<u>Leadership and Administration (50410-BO-IT-D0100)</u>	<u>\$100,000</u>
<u>2.11</u>	<u>Human Services Department</u>	<u>General Fund (00100)</u>	<u>Supporting Safe Communities (00100-BO-HS-H4000)</u>	<u>\$225,000</u>
<u>2.12</u>	<u>Seattle Police Department</u>	<u>General Fund (00100)</u>	<u>Office of Police Accountability (00100-BO-SP-P1300)</u>	<u>\$144,457</u>
<b><u>Total</u></b>				<b><u>\$0</u></b>

1 Section ((4-)) 3. This ordinance imposes a proviso, as follows:

2 “Of the appropriation in the 2021 budget for the Finance General, General Purpose  
 3 Budget Summary Level (00100-BO-FG-2QD00), \$2,000,000 is appropriated solely to implement  
 4 actions recommended to the City from the Participatory Budgeting process and may be spent for  
 5 no other purpose. Furthermore, none of the money so appropriated may be spent until authorized  
 6 by future ordinance. Council anticipates that such authority will not be granted until the  
 7 Executive submits to the Council a plan for spending the funds in accordance with the  
 8 Participatory Budgeting recommendations.”

9 Section ((5-)) 4. Council Budget Action SPD-011-B-002 of Clerk File 314464 is amended  
 10 as follows:

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



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

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

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

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

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

19 1. The 2017 City Audit finding that “at many special events, SPD sworn  
20 personnel perform work that is primarily traffic-directing” and recommendation to “evaluate the  
21 traffic-centric special events work SPD sworn officers perform and consider using non-sworn  
22 personnel for some of it;”

1                   2. The Special Event shared work jurisdiction between Seattle Parking Officers’  
2 Guild (“SPEOG”) and Seattle Police Officers’ Guild (“SPOG”) as described in the Memorandum  
3 of Agreement on September 29, 2018; and

4                   3. SPD Manual 14.100: If event staffing requires more resources beyond Traffic  
5 Section personnel, Non-Traffic volunteers are solicited.

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

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

4           Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, 2021.

7 \_\_\_\_\_  
8           President \_\_\_\_\_ of the City Council

9           Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

10 \_\_\_\_\_  
11           Jenny A. Durkan, Mayor

12           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

13 \_\_\_\_\_  
14           Monica Martinez Simmons, City Clerk

15 (Seal)