

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..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.

..body

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 expressed the Council’s intent to reduce SPD’s budget in phases and increase funding for community-led research and participatory budgeting; and

WHEREAS, the ordinance introduced as Council Bill 119970, introduced after adoption of the 2021 Budget, increased ~~ds~~ 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 achieved 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

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

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

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

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

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

16 C. A Council Central Staff Analysis found that the unplanned separations in 2020 could
17 result in as much as \$7.7 million in salary savings in 2021.

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

21 E. SPD has expressed an interest in using its salary savings on expenditures that will help
22 to mitigate the loss of officers, to respond to calls for more transparency and accountability, and

1 to allow the agency to continue its compliance with the 2012 Federal Consent Decree. The
2 expenditures requested by SPD include:

3 1. \$1,400,000 on civilian positions including 2.0 FTE Crime Prevention
4 Coordinators, 4.0 FTE Community Service Officers, 1.0 FTE Community Service Officer
5 Supervisor, 1.0 FTE Management Systems Analyst Supervisor, 2.0 FTE Administrative Staff
6 Analysts for public disclosure and 1.0 FTE Sr. Management Systems Analyst;

7 2. \$2,185,000 on technology investments that include maintenance and expansion
8 of the Data Analytics Platform, purchase of a capacity planning tool that will allow SPD to
9 evaluate demand for 911 response, calculate staffing requirements and determine “future state”
10 based on scenarios such as 911 alternate responses, an Innovation Blueprint that would increase
11 transparency, build public trust, and improve police practices as called for by Executive Order
12 2020-10 and an Early Intervention System that would expand capacity for predicting and guiding
13 interventions for employees exhibiting signs they need support, all of which would support
14 SPD’s ability to comply with the Federal Consent Decree; and

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

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

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

6 G. In a December 2020 Audit, the Office of the Inspector General for Public Safety found
7 that SPD's evidence storage facility is inadequate leading to improper destruction of DNA
8 evidence and purging of evidence from an unknown number of homicide investigations. The
9 Council finds that the Department of Finance and Administrative Services can begin to address
10 storage capacity issues with an additional \$500,000 to dedicate towards additional leased space
11 for SPD.

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

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

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

3 K. The Council recognizes the importance of SPD’s need to plan for use of future salary
 4 savings to address emerging issues related to the COVID pandemic and the timing and
 5 availability of vaccines to the general public. Such issues may include the need to use salary
 6 savings to address costs related to a resurgence in special events or for patrol augmentation that
 7 would help to offset staffing losses. The Council finds that an amendment of a \$5.0 million
 8 salary savings proviso in the 2021 Adopted Budget (CBA-011-B-002) would allow SPD more
 9 flexibility to plan for these and other emerging fiscal issues.

10 L. The Council expresses its ongoing interest in monitoring SPD salary savings and will
 11 do so with the assistance of the sworn staffing reports requested in Council Budget Action SPD-
 12 003-A-003 as adopted in Clerk File 314464.

13 Section 4.2. The appropriations for the following items in the 2021 Adopted Budget are
 14 reduced from the funds shown below:

| <u>Item</u> | <u>Department</u> | <u>Fund</u> | <u>Budget Summary Level/BCL Code</u> | <u>Amount</u> |
|----------------|--------------------------------------|---------------------------------|---|--------------------------|
| 1.1 | Seattle Police Department | General Fund (00100) | Special Operations (00100-BO-SP-P3400) | (\$5,388,072) |
| Total | | | | (\$5,388,072) |
| <u>Item</u> | <u>Department</u> | <u>Fund</u> | <u>Budget Summary Level/BCL Code</u> | <u>Amount</u> |
| <u>2.1</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>West Precinct (00100-BO-SP-P6100)</u> | <u>(\$438,691)</u> |
| <u>2.2</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>North Precinct (00100-BO-SP-P6200)</u> | <u>(\$499,442)</u> |
| <u>2.3</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>South Precinct (00100-BO-SP-P6500)</u> | <u>(\$321,666)</u> |

| <u>Item</u> | <u>Department</u> | <u>Fund</u> | <u>Budget Summary Level/BCL Code</u> | <u>Amount</u> |
|---------------------|----------------------------------|-----------------------------|--|-----------------------------|
| <u>2.4</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>East Precinct (00100-BO-SP-P6600)</u> | <u>(\$348,929)</u> |
| <u>2.5</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>Southwest Precinct (00100-BO-SP-P6700)</u> | <u>(\$270,123)</u> |
| <u>2.6</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>Criminal Investigations (00100-BO-SP-P7000)</u> | <u>(\$946,149)</u> |
| <u>2.7</u> | <u>Seattle Police Department</u> | <u>General Fund (00100)</u> | <u>Chief of Police (00100-BO-SP-P1000)</u> | <u>(\$144,457)</u> |
| <u>Total</u> | | | | <u>(\$2,969,457)</u> |

1 Section ~~23~~. ~~In order to pay for necessary costs and expenses incurred or to be incurred in~~
 2 ~~2021, but for which insufficient appropriations were made due to causes that could not~~
 3 ~~reasonably have been foreseen at the time of making the 2021 Budget, appropriations for the~~
 4 ~~following items in the 2021 Budget are increased from the funds shown, as follows: The~~
 5 ~~appropriations for the following items in the 2021 Budget are increased from the funds shown, as~~
 6 ~~follows:~~

| <u>Item</u> | <u>Department</u> | <u>Fund</u> | <u>Budget Summary Level/BCL Code</u> | <u>Amount</u> |
|---------------------|--|---|--|---------------------------|
| <u>2.1</u> | <u>Finance General</u> | <u>General Fund (00100)</u> | <u>General Purpose (00100-BO-FG-2QD00)</u> | <u>-\$5,388,072</u> |
| <u>Total</u> | | | | <u>\$5,388,072</u> |
| <u>Item</u> | <u>Department</u> | <u>Fund</u> | <u>Budget Summary Level/BCL Code</u> | <u>Amount</u> |
| <u>3.1</u> | <u>Finance General</u> | <u>General Fund (00100)</u> | <u>General Purpose (00100-BO-FG-2QD00)</u> | <u>\$2,000,000</u> |
| <u>3.2</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>3.3</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>3.4</u> | <u>Human Services Department</u> | <u>General Fund (00100)</u> | <u>Supporting Safe Communities (00100-BO-HS-H4000)</u> | <u>\$225,000</u> |

| Item | Department | Fund | Budget Summary Level/BCL Code | Amount |
|--------------|---------------------------|----------------------|---|--------------------|
| 3.5 | Seattle Police Department | General Fund (00100) | Office of Police Accountability (00100-BO-SP-P1300) | \$144,457 |
| Total | | | | \$2,969,457 |

1 Section ~~34~~. 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), ~~\$5,388,072~~ \$2,000,000 is appropriated solely
4 to implement actions recommended to the City from the Participatory Budgeting process and
5 may be spent for no other purpose. Furthermore, none of the money so appropriated may be
6 spent until authorized by future ordinance. Council anticipates that such authority will not be
7 granted until the Executive submits to the Council a plan for spending the funds in accordance
8 with the Participatory Budgeting recommendations.”

9 Section 5. Council Budget Action SPD-011-B-002 of Clerk File 314464 is amended as
10 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
16 have been filed with the City Clerk. For each monthly report received by the City Clerk between
17 May 19, 2021 and December 21, 2021, \$625,000 shall be released and the \$5.0 million proviso
18 will be reduced accordingly.”

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

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

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

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

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

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

1 Section ~~48~~. 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)