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Title: A RESOLUTION affirming the City's good faith intent to consider raising in the collective bargaining process for the Seattle Police Management Association (SPMA) 2024 contract renewal police accountability proposals that have been identified by the public and the City's police oversight agencies.

Sponsors: Lisa Herbold

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Date	Ver.	Action By	Action	Result
10/13/2023	1	City Clerk	attested by City Clerk	
10/10/2023	1	City Council	adopted	Pass
9/26/2023	1	Public Safety and Human Services Committee	adopt	Pass
9/19/2023	1	City Council	referred	
9/14/2023	1	Council President's Office	sent for review	
9/14/2023	1	City Clerk	sent for review	

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION affirming the City's good faith intent to consider raising in the collective bargaining process for the Seattle Police Management Association (SPMA) 2024 contract renewal police accountability proposals that have been identified by the public and the City’s police oversight agencies.

WHEREAS, the mission of the Seattle Police Department is to prevent crime, enforce the law, and support quality public safety by delivering respectful, professional, and dependable police services; and

WHEREAS, public confidence in the fairness and integrity of the Seattle Police Department and its policing practices is a necessary component of effective policing; and

WHEREAS, the City Council recognizes the sacrifices and contributions of Seattle Police Management

Association (SPMA) 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 Seattle communities but especially those that have been disproportionately impacted by unconstitutional policing; and

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

WHEREAS, the Collective Bargaining Agreement (CBA) between The City of Seattle and the SPMA will expire on December 31, 2023 and the parties will begin negotiating a new contract as soon as December 15, 2023; and

WHEREAS, the City respects the collective bargaining process and will negotiate and bargain a new CBA in good faith with the SPMA and respect the confidentiality of the process as required by Seattle Municipal Code (SMC) subsection 4.04.120.E; and

WHEREAS, SMC subsection 4.04.120.F requires the Council's Labor Policy and Public Safety, Human Services and Education committees or the successor committees to hold a public hearing on the effectiveness of the City's police accountability system and that this meeting should be held at least ninety days before the City begins collective bargaining agreement negotiations with the SPMA; and

WHEREAS, SMC subsection 4.04.120.G requires the City to consider in good faith whether and how to carry forward the interests expressed at the public hearing; and

WHEREAS, the Council's Labor Policy committee and Public Safety and Human Services Committee, held on August 8, 2023 a public hearing and received input from the City's police accountability agencies including the Office of Police Accountability (OPA), Community Police Commission (CPC), the Office of Inspector General for Public Safety (OIG), and from 11 residents that either provided personal testimony or represented community or non-profit organizations that have a stake in police accountability and the SPMA contract; and

WHEREAS, individuals providing testimony at the hearing represented local businesses, neighborhood groups, communities of color, public safety advocacy associations, and community building organizations that focus on civil liberties and represent the rights of residents who are disproportionately affected by police misconduct and/or are overrepresented in the criminal-legal system; and

WHEREAS, representatives from the OPA, the CPC, and the OIG testified that the current collective bargaining agreement between the City and SPMA, adopted as Ordinance 126597 on June 14, 2022, led to significant improvements and gains in police accountability, including but not limited to:

1. Additions that clearly acknowledge and adopt the philosophy and purpose that underpins the accountability ordinance, including prioritizing community trust and transparency, and recognizing the role of proper discipline in police legitimacy;
2. Clearly acknowledging “preponderance of evidence” as the standard for appeal;
3. Clearly repudiating de novo review and clearly describing what evidence may be considered in appeals, with deference to decisions of the Chief;
4. Providing that discipline review hearings will be made publicly available for viewing;
5. Adding language that acknowledges that the City may implement the accountability ordinance, while reserving rights to potentially bargain effects;
6. Addressing a tolling loophole for crimes committed in other jurisdictions;
7. Allowing any OPA staff to investigate SPMA members; and
8. Clarifying and formalizing processes for mediation and “rapid adjudication;” and

WHEREAS, another significant improvement and gain in police accountability in the SPMA 2022 contract is the OIG and the OPA authority to issue subpoenas of those who may have been involved in potential officer misconduct incidents, and to seek a Court order should someone fail to comply with a subpoena, consistent with the due process protections added in Ordinance 126264; and

WHEREAS, the City’s accountability agencies recognize that few issues remain that are problematic for police

accountability, and that addressing remaining recommendations in future bargaining agreements will further strengthen the accountability system established by the City in its Police Accountability Ordinance (Ordinance 125315) adopted in 2017; and

WHEREAS, community stakeholders, and representatives of the OPA, the CPC, and the OIG note community concerns about language in the Police Officer's Bill of Rights, which could be interpreted to allow past practices to override recent gains in police accountability and requires more exploration to ensure that it does not hinder recent progress made on discipline review and reform, and this issue, along with a request to toll the 180-day timeline in cases involving the SPD Force Review Board, is further detailed in a letter from the OPA dated September 7, 2023, as Attachment 1 to this resolution; and

WHEREAS, representatives of the CPC have recommended that the next SPMA contract should (1) express in its purpose statement support for a strong accountability system, (2) fully implement all provisions of the Police Accountability Ordinance, (2) include a subordination clause that allows city law to prevail over contract terms, (3) use American Arbitration Association rules to the extent that they do not hinder robust accountability, (4) immediately implement indefinite suspensions for serious misconduct without consultation with the union, (5) eliminate the statute of limitations for any party that is involved in concealing misconduct, (6) create greater authority for OPA to coordinate its investigations with an entity that may be concurrently conducting a criminal investigation, and these priorities are further detailed in a letter from the CPC dated September 7, 2023, as Attachment 2 to this resolution; and

WHEREAS, representatives of the OIG have recommended that the next SPMA contract include (1) a strengthened mediation and rapid adjudication processes, (2) a potential change in practices that allow for accrual of overtime by SPD members who are serving a disciplinary suspension, and these priorities are further detailed in a letter from the OIG dated January 27, 2020 as Attachment 3 to this resolution; and

WHEREAS, other recommendations made by representatives of Seattle's police accountability agencies

include changes that align the contract's records retention provisions with state law, providing for additional civilianizations, allowing for alternative police responses, and new investigative approaches, such that the CBA does not pose barriers to partnering with the community and moving forward swiftly on potentially transformative programs; and

WHEREAS, testimony from individuals and on behalf of interest groups largely echoed the requests made by the OPA, OIG, and CPC representatives and included support for full implementation of the Police Accountability Ordinance, support for additional police training including de-escalation and mental health training, support for bringing the City into compliance with the United States Department of Justice Consent Decree with regard to police accountability, opposition to racial disproportionality in the criminal justice system, support for new citizen review powers, support for new rights for complainants, support for the hiring of additional officers, support for more outreach to the community on issues of police accountability, and support for requiring officers to have a relationship/tie to the community they serve; and

WHEREAS, on May 21, 2019 the Court found that the City had fallen partially out of full and effective compliance with the Consent Decree due to concerns about the disciplinary appeals process and its impact on police accountability; and

WHEREAS, the Discipline Review process in the current SPMA contract strengthens accountability in the appeals process for Lieutenants and Captains, however, the Court continues to show interest in full implementation of the City's Police Accountability Ordinance and has requested, per an order issued on September 7, 2023, a report on the status of the Ordinance's implementation when the City reaches a tentative agreement with the Seattle Police Officer's Guild (SPOG) through its current negotiation process; and

WHEREAS, consistent with SMC 4.04.120.G, the City will consider in good faith whether and how to carry forward the interests expressed at the public hearing. Those suggested changes that are legally required

to be bargained with the SPOG, SPMA, or their successor labor organizations will be considered by the City, in good faith, for inclusion in negotiations but the views expressed in the public hearing will not dictate the City's position during bargaining; and

WHEREAS, the City Council has in the past adopted resolutions that memorialize the testimony given at hearings pursuant to SMC 4.04.120.F, including Resolution 31930; NOW, THEREFORE,

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

Section 1. The City of Seattle will consider in good faith whether and how to carry forward the interests referred to in the recitals through various means including, but not limited to, enactment of appropriate legislation, development of collective bargaining goals and objectives, and facilitating community police dialogue. To the extent that Washington law requires any changes to be bargained with employee representatives, the City will seek to discharge such obligations in good faith.

Section 2. The City has made significant improvements to the most recent SPMA and SPOG bargaining processes, including expanded roles for the City's police accountability partners and City Council staff. Designated accountability agency representatives now provide input throughout the process, including technical representation at the City's Labor Relations Policy Committee, and the Council is represented at the bargaining table through the participation of a neutral Council Central Staff observer. The Council requests that the Executive and Labor Relations Director continue these practices to ensure ongoing transparency and the provision of critical input from the Council and its accountability partners.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Seattle Office of Police Accountability, OPA's supplemental letter concerning a renewed Seattle Police Management Association (SPMA) agreement, September 11, 2023

Attachment 2 - Seattle Community Police Commission, Community Police Commission Recommendations for City of Seattle's Collective Bargaining Agreement Negotiations with Seattle Police Management Association, September 7, 2023

Attachment 3 - Seattle Office of Inspector General, Input regarding Seattle Police Management Association (SPMA) Collective Bargaining Parameters, September 8, 2023