



VIA EMAIL

February 25, 2021

CPC recommendations concerning police contract bargaining

Members of the Labor Relations Policy Committee (LRPC),

The Community Police Commission (CPC) writes to submit eight recommendations concerning upcoming contract negotiations with the Seattle Police Officers Guild (SPOG). If implemented, we believe these recommendations will enable Seattle to implement a strong, properly civilianized police disciplinary and accountability system and ensure the bargaining process itself is as transparent and accountable to community as possible.

The CPC is committed to ensuring the collective bargaining rights of all people are protected. However, we must acknowledge that police are vested with unparalleled authority in our society to carry weapons, use force, and deprive people of their liberty. Because of this unique dynamic, police officers must be subject to higher standards including transparency in collective bargaining that may not be appropriate for non-law enforcement unions.

Unfortunately, police contracts in Seattle and across the country have been used as tools to undermine accountability for decades. Protesters, labor advocates, and Seattle community members have been clear – this must end. It is the CPC’s position that accountability measures that combat police misconduct – which is often violent and disproportionately affects people of color – should not be subject to bargaining at all. However, as current Washington State law requires many of these provisions to be bargained, we call on you to exercise your power to ensure the contracts and the negotiation process itself are as accountable as possible.

Background

These recommendations are the result of years of community-based efforts, beginning with the work that led to the landmark 2017 Accountability Ordinance. That ordinance, which was unanimously passed by the City Council, aimed to implement a strong police disciplinary and accountability system in Seattle. However, less than two years later, many of those reforms were undermined by the new police contracts. Those police contracts were approved by the City despite strong opposition from the CPC and dozens of other community organizations.

In February 2019, the CPC raised concerns that the police contracts violated the Consent Decree. Federal Judge James Robart agreed, [finding the City partially out of compliance](#) with the Consent Decree in the area of police accountability. The Court ordered the City to work with the CPC and other stakeholders to

correct many of the ways the contracts undermine accountability. That work has not been completed, and the City remains partially out of compliance with the Consent Decree.

In late 2019, the CPC co-hosted two [public hearings](#) with the Seattle City Council concerning upcoming police contract negotiations with SPOG and the Seattle Police Management Association (SPMA). At those well-attended hearings, the vast majority of community members along with [38 community organizations](#) expressed their strong support for full implementation of the reforms in the 2017 Accountability Ordinance. That feedback helped form [CPC recommendations to the LRPC](#) and a [Council Resolution](#) sponsored by Councilmember Lisa Herbold to memorialize the community input gathered during those hearings. In 2020, the Council and Mayor's Office also announced they would accept a long-standing CPC recommendation that a representative from our organization be allowed to advise the LRPC during bargaining.

Due to the delayed start to bargaining with SPOG, the CPC recognized we had an additional opportunity to gather more public input about the police contract negotiations in 2021. The CPC hosted two community conversations on February 9th and February 11th. During those meetings, the CPC presented background on the history of the current police contracts and our work to address the flawed accountability provisions within them. The City's Human Resources department also presented information on how the contracts are negotiated and the legal restrictions placed on the City by current state bargaining laws.

The [February 9 meeting](#) was attended by around 25 community groups who have been involved in advocacy on police accountability and contract issues. The [February 11 meeting](#) was publicly noticed and attended by around 50 community members. During part of that meeting, community members were broken up into small groups. Facilitators of those small groups took notes on questions and comments community members had about the police contracts. Those notes are attached to these recommendations.

Recommendations

We have heard many suggestions from community over these past few years about what we need to do to hold police accountable in Seattle moving forward. Nearly all of them require that we implement a strong police disciplinary and accountability system and bargain in a way that is transparent and accountable. That has led the CPC to issue the following recommendations.

1. Fully implement the reforms in the Accountability Law.
2. The Labor Relations Policy Committee must make public the City's bargaining priorities.
3. The City should be more proactive in publicly identifying who is at the negotiating table for the CBAs, who those parties represent, and their role in the negotiating process.
4. The City should announce and release regular updates on the process of the CBA negotiations.
5. The City must commit to releasing all information that can be made public on the negotiation process at the conclusion of the process, but prior to City Council approval.
6. The City should publicly state, explain, and justify to the community what it has given up and gained in the negotiation process.
7. Remove clauses from the contracts that allow CBAs to take precedence over local law, including the 2017 Accountability Ordinance.

8. Remove limits on civilianization of the Office Police Accountability and ensure that civilian investigators have the same investigatory powers as their sworn counterparts.

A chart with these recommendations and a sampling of the community feedback that led to them is attached to this packet.

Additionally, as many of you know, the CPC is committed to finding ways to divest from policing and reinvesting in community-approved alternatives. We believe the contracts should allow for that to be done in the best way possible. The CPC may consider additional recommendations on that issue in the near future.

Finally, we call on you to ensure the contracts promote police accountability in all ways, and do not roll back accountability protections. When the CPC analyzed the current SPOG contract in 2018, we found it undermined police accountability in surprising ways we did not even know were on the negotiating table. One example is that the current contract makes it harder to fire an officer for misconduct if that misconduct is quote “stigmatizing” to a police officer and makes it harder for them to get another police job. We cannot allow surprise stipulations like that one to be put in the contracts again.

Please let us know how we can be of assistance to ensure these community concerns are addressed and these recommendations are implemented.

In partnership,

La Rond Baker and Erin Goodman
Co-chairs, Community Police Commission

CPC Recommendations on SPD’s Collective Bargaining Agreement Process

CPC Recommendation	Recommendation Origin	Background and Community Comments
<p>1. Fully implement the reforms in the Accountability Law.</p>	<p>2017 Accountability Ordinance</p>	<p>These reforms would, among other things:</p> <ul style="list-style-type: none"> - Create strong policies in areas often abused by police, such as secondary employment. - Empower civilian investigations into police misconduct by allowing for such things as civilianization of misconduct investigations and the OPA and OIG to exercise their subpoena powers. - Close many of the loopholes police officers use to avoid discipline, such as the 180-day time limit on investigations and heightened burden of proof currently in place for some types of misconduct; and - Fix Seattle’s broken disciplinary appeals system by addressing the many flaws posed by the City’s current arbitration system, such as lack of transparency and backlogs created by the lack of clear timelines.
<p>2. The Labor Relations Policy Committee must make public the City’s bargaining priorities.</p>	<p>CPC’s Collective Bargaining Town Hall Prior CPC recommendation</p>	<p>Members of the community were curious about how the LRPC sets bargaining parameters and was interested in seeing the process play out publicly.</p>
<p>3. The City should be more proactive in publicly identifying who is at the negotiating table for the CBAs, who those parties represent, and their role in the negotiating process.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>While the city publicly posts this information, community continues to express that this information is not readily available. The city should work to make sure that the information is easily located and available to members of the public.</p>

<p>4. The City should announce and release regular updates on the process of the CBA negotiations.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>The community is interested in seeing more transparency in the bargaining process.</p>
<p>5. The City must commit to releasing all information that can be made public on the negotiation process at the conclusion of the process, but prior to City Council approval.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>Community expressed concerns over City Council signing on to the contracts without community knowing what is in the contracts.</p> <p>Community stated that they want for information on the negotiation process to be public, at least at the conclusion of negotiations.</p>
<p>6. The City should publicly state, explain, and justify to the community what it has given up and gained in the negotiation process.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>The City can refuse to give up aspects of the contract that it deems “important”; what sorts of things are not being fought for?</p>
<p>7. Remove clauses from the contracts that allow CBAs to take precedence over local law including the 2017 Accountability Ordinance.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>As an example, article 18.2 in the SPOG contract states that the contract will supersede City ordinances if they are in conflict with the contract; this, and any other similar clauses should be removed as it is a barrier to accountability as evidenced by the incomplete implementation of the 2017 Accountability Ordinance.</p>
<p>8. Remove limits on civilianization of the Office Police Accountability and ensure that civilian investigators have the same investigatory powers as their sworn counterparts.</p>	<p>CPC’s Collective Bargaining Town Hall</p>	<p>Under the current contracts, the Office of Police Accountability (OPA) is only allowed to have two civilian investigators and their investigatory powers are limited. The 2017 Accountability Ordinance would allow the Office of Police Accountability to have as many civilian investigators as it wanted and would have given them full investigatory powers.</p>

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Small Group Facilitation Work Sheet

Instructions

Explain that the purpose of this small group is to have a safe and honest discussion about what everyone there would like to see out of the police contract negotiations. You as a facilitator, may not know the answers to questions about the police contracts or how they negotiated. However, you can help get them answered when we go back to the larger group.

Make sure you are taking notes about the comments and questions community members have about the contracts. Allow the group to lead the discussion. However, if you think it will be helpful, here are some prompting questions:

- We understand the collective bargaining process is very confusing. Are there any questions you have about it?
- What do you think Seattle needs to do to better hold police officers accountable when they commit misconduct?
- What needs to happen in these contracts for you to believe officers who commit misconduct will be held accountable?
- What would help you better understand and be involved in this process?

Take notes below and send them back to jesse.franz@seattle.gov after the meeting. Remember, the large group will start back up at 5 PM.

Notes

- **Did the LRPC** ever meet publicly to set the parameters or is that done behind closed doors?
- **Is the SPOG contract clause that allows it to supersede legislation something that can be removed?**
 - Believes it to be state requirement that contract can be superseded by the
 - No, it is an issue of contract law – more concerned about the framework (it is mystified and a black box) but the reality is that Rich O'neil from SPOG and two people from the mayor's office hammer out the details of the contracts.
 - Post George Floyd we need civilian control
 - The city and CPC should not be afraid to say bring on a ULP suit
 - It is wrong to continue to do this privately
- **Is the contract everything or is there a broader regulation?**
- **Are they going to have**
- **Community** does not know how the CPC person was selected
 - What will be their role?

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- Should not get lost in the weeds about
- **Is the CPC in a position where** they can commit to sharing in a publicly accountable/transparent way to share what happened at the negotiating table? – Is an important question
- **What lessons the CPC learned** from last contract negotiations and what sort of plans has CPC put in place to deal with a potentially bad contract and how can we block that contract from being adopted?
- What does a typical layer publicity and accountability of the contracts; will there be any recordings or other ways to daylight what happens.
 - What happens in those negotiations is secret but can be opened up after negotiations have been completed.
 - People sign on to this without public knowledge
 - Negotiation should be secret but at the end things should be able to be opened up.
- Has anyone ever submitted PDRs for what happens in the negotiations?
 - CPC submitted PDRs after the last contract
 - Did CPC ever get anything from that?
 - CPC did not make public what was in the contract before they voted
- Comment – It isn't always the case that labor negotiations are done in secret. Have bargained contracts – one practice they use to stay accountable is to publish bargaining documents on a public website- could use this precedent to put pressure on SPOG and the city to daylight these aspects.
- Are the SPOG reps. Being paid for the negotiation? As it is known to take a long time.
 - Union president and other high ranking officials get paid for their union duties. The lawyers are paid out of union fees.
- **In presentation** – CPC focus seems to be built around 2017 accountability legislation; curious b/c it seems that at the time that was as much accountability as we could get at the time but since there seems to have been a shift – has the CPC considered looking to ask for more? Have we looked at taking bolder steps to get more accountability?
- **Two major areas permissive and mandatory subjects**; the permissive things are what the bosses are responsible for. There are gray areas in the middle – investigations should seem to fall under the gray areas. The CPC has failed to make the distinction – why has the city allowed so many things to fall into the mandatory category?
- Why is it that you believe that its mandatory – which only means that there is a necessity to bargain in good faith but it is not necessary to agree to whatever is determined.
- The city can refuse to give up things that it determines to be important!
- Employer doesn't have the right to unilaterally implement terms, but understanding is that it extends through the life of the contract and up to 12 months after;
- What is publicly available for this round of annotation of the contract?
 - It is common practice to not release the contract as it is going through – and may be a good practice

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Transparency around negotiations

Transparency about who is at the negotiating table and what their roles are

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Small Group Facilitation Work Sheet

Agenda for Police Contract Meeting 2-11

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Notes (notable attendees Decrim, Local 27 FF, Aaron Williams, ACLU)

- How do we not let this contracts derail the reimagining of SPD. We should not have staffing minimums. We need to go deeper than procedural reforms. How can we have good faith negotiations with the current union president. Issues of officers going to the capital and issues of white supremacy?
- The issues over the summer showed the clear issues with SPD. We need more accountability and less brutality in the streets? Fully civilian elected oversight committee not elected leaders and no officers involved.
 - Want to see the 2017 accountability ordinance in place.
- How to we ensure the safety of all communities and accountability and specifically black community and black men in our city.
- Civilian oversight is extremely important and the current system is not working. Can we redefine the OPA to be civilian.

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- **Q: How does the City team get chosen and how are parameters set. Can parameters be changed once the negotiations start? This is concerning.**
- **Q: What are the limitations to reporting back to community during negotiations? How do we get this information to everyone, or can negotiations be open to the public?**
 - We need to be open to the public on what is feasible.
- **Q/C: What can be done to focus on racial bias and issues of white supremacy in our officer ranks. How can this be tackled at the negotiation table?**

CPC Comments:

- It has been frustrating that many if not most of the CPC proposals have not been supported by SPD. Seems there was a disconnect on what happened agreed upon and what happened over the summer

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Small Group Facilitation Work Sheet – Group #1

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- We understand the collective bargaining process is very confusing. Are there any questions you have about it?
 - Interest arbitration might not get you the outcome you want – who do we go to for interest arbitration, why do we allow it to impair public policy the way it does?
 - Is interest arbitration necessary? Who chooses the arbitrator, how can we guarantee they are neutral?
 - How do we get some transparency around negotiations?
 - What leverage does the city have against SPOG union negotiators. If we fail to come to an agreement, what is the worst that happens?
- What do you think Seattle needs to do to better hold police officers accountable when they commit misconduct?
 - Investigations should not be run by police officers
 - Requested all of OPA investigations files in 2013 and they have not gotten through half of them. OPA seems structured to exonerate officers. OPA is only allowed to be a joke because of the bargaining process – city gives everything away for accountability at the bargaining process. Too many issues are seemingly optional. Seattle needs to say “no we will not bargain away civil rights for community”
 - Believes the abandonment in June was a form of a strike – deliberate choice to stop calls in certain geographic areas. Since that is de-facto striking, we should not have interest arbitration.
 - Is there any way to implement Bill 5304, is there any way to implement at city level.
- What needs to happen in these contracts for you to believe officers who commit misconduct will be held accountable?
 - Full civilianization – no guild members in charge of discipline for other guild members
 - Full civilian oversight board! City should not have a hand in the process
 - All discipline should not be in the bargain process! **
- What would help you better understand and be involved in this process?

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- Helpful to understand the state law that was framed in the beginning -
- Why do we never know who on the city side is at the bargaining table (better daylight the players)? What motivates the city to make certain concessions that are indefensible (interest arbitration)?
- Not much faith of the bargaining table, especially since CPC is just an advisor?

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Notes

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BREAKOUT ROOM 4

4:30 ~ 25 MIN until 5 PM (go back to main meeting)

If done early, take break until 5 PM

Facilitating conversation – open Zoom

Set up guidelines – chat, hand – let's make sure we let everybody participate, try to stay muted to avoid background noise – hand in Zoom and physical hand

- Encourage them to report back on their own (otherwise present on notes) – how do you want to bring this to the bigger group?
- **What do you want to see?**
- Answer small question – pull from presentations (Lance) – avoid bigger questions
- Maybe let them start – you just heard a lot of information so I figured I would just open the floor in case you already have thoughts to share
- Introduce yourselves in chat, if you'd like

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Notes

1. **Interest arbitration** – City has been reluctant in the past, because it wouldn't be beneficial – Council President Gonzales considering. Is that true? Has climate changed?
 2. How to Council/CPC/others representing us form an opinion on **what's an appropriate use of force?**
 3. **CPC member in negotiation** – who is it and what's their role?
 4. Would like to see
 - Would like to see public negotiation on arbitration - Is there any way to make the accountability **aspect of negotiation public?**
 - Would like to see – At least bargain, be very steadfast, about the **campaign zero list of 8 for use of force**. https://en.wikipedia.org/wiki/Campaign_Zero#8_Can't_Wait_project. 8 can't wait. Lot's already in manual. Bill in state house sponsored by Jesse Johnson. Not policy on high risk felony stops.
 - Very interested in seeing **accountability ordinance finally be implemented**. LOW BAR!
1. **Arbitration**
 - a. How do they choose arbitrators?
 - b. Is it possible to implement Sen Soloman's bill at the City level? The one that would have removed arbitration
 2. What can I do personally?
- Would like to see – accountability.
 - Has the CPC considered a race continuum for these investigations? A black officer dealing with a white person? Would be illegal? OPA discipline follows from precedent – because of arbitration.