November 8, 2018

The Hon. Lorena Gonzalez
The Hon. Lisa Herbold
The Hon. Debora Juarez
The Hon. Kshama Sawant
The Hon. Sally Bagshaw
The Hon. Mike O'Brien
The Hon. Rob Johnson
The Hon. Bruce Harrell
The Hon. Teresa Mosqueda

Dear Council Members,

We have been deeply concerned about, and have advocated for, police accountability and reform for years. We stand behind the Seattle Community Police Commission (CPC), and while we support workers' rights and unions, we urgently request that you reject the tentative contract between the City and the Seattle Police Officers Guild (SPOG).

Many CPC members are community leaders and subject matter experts who have led the advocacy for accountability and reform for decades. In addition to their experience and expertise, the CPC previously engaged literally thousands of community members, from all racial groups, and in eighteen languages and dialects, to hear the concerns of community members from communities that have had additional barriers to police services and accountability and/or have disproportionately experienced biased policing and excessive use of force. The CPC has been the most widely respected and primary voice of the community in the reform process.

The CPC had been tasked in 2013 with reviewing and making recommendations on the accountability system, which they did systematically and comprehensively from 2013 – 2014. They issued recommendations in 2014 which became the basis for the landmark 2017 accountability ordinance.

The CPC has summarized in the attached chart among the most troubling of the many discrepancies between the CPC's recommendations as incorporated in the ordinance unanimously passed by the City Council, just one year ago. The accountability measures recommended by the CPC drew on years of community experience, research on national best practices and the expertise of legal professionals and the auditor. The auditor, a highly respected former judge, had been formally tasked with reviewing Office of Professional Accountability (OPA) investigations and results, and was intimately familiar with breakdowns in the former system, which operated within the confines of the former SPOG contract. These breakdowns led to well publicized scandals of accountability deficiencies resulting from these breakdowns, which further eroded public trust in the accountability process. The CPC recommendations were made to prevent these breakdowns from recurring, to improve both the system and public trust. The accountability system is so weakened by these departures from the ordinance in the tentative contract that we cannot agree to its adoption.

Essential components of the CPC's recommendations unanimously approved by the City Council in the ordinance, such has those referenced in the attached chart, have not been incorporated into the tentative SPOG contract. The accountability system would be diminished as a result. In addition, unlike the recently agreed to SPMA contract with police management, which includes language accepting the ordinance, the tentatively agreed to SPOG contract explicitly indicates that in matters of interpretation or in the absence of language to the contrary, the SPOG contract, including appendices currently unavailable to the public, will prevail.

One example of our concerns is that rather than conforming to the 2017 ordinance's requirement for a single and transparent avenue of disciplinary appeal, the tentative SPOG agreement allows for a disciplinary appeals process in which the officer can choose multiple avenues of appeal without the same level of transparency and standards.

Two other examples include introducing a new elevated standard of review for any termination to be sustained on appeal if the offense could be stigmatizing to an officer seeking other employment, and the 180-day clock for the OPA investigation running, even when the OPA investigation must be paused in serious instances of potential criminal misconduct while the criminal investigation proceeds. If time runs out on the clock, discipline cannot be imposed, unless it was criminal, could be proven the officer concealed it, or was due to litigation. This is why Officer Whitlatch, who arrested an elderly black man using a golf club as a cane (a former air force officer and long-time bus driver), and who was found guilty of racial bias and was terminated, received 23 months of back wages amounting to around $100,000 and had her finding of guilty changed to retirement, after a SPOG grievance that the OPA investigation had exceeded the 180-day deadline.

We believe that there can be no true accountability without the CPC recommendations that were passed in the 2017 accountability ordinance. Please do not turn back the clock on advances to date made by the CPC and the City on police accountability by ignoring our community voice as represented by the CPC on the tentative SPOG contract. The accountability system will not serve its full purpose if the community lacks confidence in its strength and transparency. That has been the case historically, and that will be the case going forward, if the Council adopts the significantly flawed tentative agreement with no further discussion and inclusion of the CPC's recommendations and the accountability promises incorporated into last year's unanimously passed ordinance.

Sincerely,

Michele Storms, American Civil Liberties Union - Washington
Diane Narasaki, Asian Counseling and Referral Service
Janice Deguchi, Asian Pacific Directors Coalition
Tony Lee, Asian Pacific Islander Coalition
Joanne Alcantara, API Chaya
Marcos Martinez, Casa Latina
Michael Itti, Chinese Information and Service Center
Michael Ramos, Church Council of Greater Seattle
Dominique Davis, Community Passageways
Estela Ortega, El Centro de la Raza
Rev. Paul Benz, Faith Action Network
Sheila Burrus, Filipino Community of Seattle
Pradeepta Upadhyay, International District Improvement Association
Jorge L. Baron, Northwest Immigrant Rights Project
Jay Hollingsworth, John T. Williams Organizing Committee

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Nina Martinez, Latino Civic Alliance
Rev. Harriett Walden, Mothers for Police Accountability
Andre Taylor, Not This Time
Rich Stolz, OneAmerica
Lisa Daugaard, Public Defender Association
Claudia D'Allegri, Sea Mar
Alison Eisinger, Seattle-King County Coalition on Homelessness
Jackie Vaughn, Surge Reproductive Justice
Linh Thai, Vietnamese Community Leadership Institute