



# Seattle Community Police Commission

## OPINION

### FOR IMMEDIATE RELEASE:

*As reported by various media outlets, CPC awaits the imminent release of the next SPOG contract. In advance of that, read the following opinion piece from CPC's three Co-Chairs.*

April 1, 2024

### **Accountability Shouldn't Be a Bargaining Chip in Police Contracts**

By CPC Co-Chairs: Rev. Patricia Hunter, Joel Merkel, and Rev. Harriett Walden

Few policing policies in Seattle are as important to the community, city government, police department, and federal court overseeing the more than decade-old [Consent Decree](#) than how the next Seattle Police Officer's Guild (SPOG) contract addresses accountability for police misconduct.

SPOG is in the final stages of announcing a new collective bargaining agreement (CBA) between city leaders, including Mayor Bruce Harrell's office and new city councilmembers. The community—and the federal court—are closely watching.

SPOG currently has the right to bargain for how its officers will be held accountable for misconduct. That's because state law allows police unions to treat elements of the accountability system as bargaining chips in negotiating ongoing labor agreements. Until our state's labor leaders and legislators come together to change this, cities have the responsibility to ensure police union contracts include transparent, fair, and robust accountability.

In 2017, the City of Seattle enacted a landmark [Police Accountability Ordinance](#). Mayor Bruce Harrell, then a Councilmember, voted for it. Unfortunately, just a year later, many of the accountability provisions in that legislation were eviscerated in the bargaining process for the most recent SPOG contract. The community strongly objected and [packed a City Council hearing](#) to voice their concerns. The contract's weak accountability provisions were at least *one* significant factor in why Judge James L. Robart, the federal judge overseeing the Consent

Decree, found in May 2019 that the [city had fallen out of compliance](#) in the area of accountability.

Policing is unlike any other profession. Officers are armed government employees empowered to take a person's liberty and even use deadly force without the benefit of due process. They have exceptional power and nearly unbridled discretion in exercising their authority. To ensure appropriate safeguards on civil rights and public safety, police discretion and authority must be accompanied by strong and independent accountability standards.

True police accountability requires a robust, transparent, and independent system for adjudicating misconduct. This includes basic accountability tools such as subpoena power for police oversight bodies; public transparency into the disciplinary process; a balanced and proportionate burden of proof standard for assessing misconduct; and a system of review perceived as credible, including as it applies to private arbitrators who have the authority and ability to overturn a police chief's disciplinary decision. We must also address the inherent conflict and doubting of fairness when police investigate themselves. This erodes trust in any accountability system.

While union collective bargaining power is critical to wage equity, adequate working conditions, and ensuring workers' quality of life, they shouldn't protect police officers from being held accountable for their actions. In the most recent court hearing extending the Consent Decree, Judge Robart observed that police contracts "should not shelter officers from city ordinances." We emphatically agree.

Until state law protects accountability by limiting police unions' ability to bargain for how their members will be held accountable for misconduct, the city should refuse to approve a contract with SPOG that omits these critical accountability measures.

Some may say that SPOG's bargaining power makes it too politically difficult to ensure strong accountability in the next contract. However, if the next contract lacks strong accountability measures it will undermine voters' clear desire to solve current problems and improve SPD staffing. Stronger accountability standards create the conditions and opportunity to improve the relationship and trust between SPD officers and the community. Seattle deserves a police department that shares its values, and officers deserve the opportunity to earn the community's trust and respect.

The city should heed Judge Robart's admonition that the SPOG contract shouldn't be allowed "to lock in procedures which foster unacceptable police behavior or avoid accountability for improper actions." Legislators in Olympia must also step up to ensure that police accountability cannot be used as a bargaining chip in labor negotiations.

Strong police accountability in the next SPOG contract is urgent and foundational to our community's civil rights and public safety.

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The CPC listens to, amplifies, and builds common ground among communities affected by policing in Seattle. We champion policing practices centered on justice and equity. The CPC is independent and led by volunteer commissioners. Learn more about the CPC at [seattle.gov/community-police-commission](https://seattle.gov/community-police-commission).

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