

**Seattle  
Community  
Police Commission**

**Our city. Our safety.  
Our police. Better together.**

VIA EMAIL

June 8, 2020

Mayor Jenny A. Durkan  
City Hall  
600 Fourth Avenue  
Seattle, Washington 98104

Chief Carmen Best  
Seattle Police Department  
610 5th Avenue  
Seattle, WA, 98104

Council President M. Lorena González  
Seattle City Hall  
600 Fourth Avenue, 2nd Floor  
Seattle, Washington 98104

Councilmember Lisa Herbold  
Chair, Public Safety & Human Services Committee  
Seattle City Hall  
600 Fourth Avenue, 2nd Floor  
Seattle, Washington 98104

Re: Next Steps on Accountability and Police Reform

Mayor Durkan, Chief Best, Council President González, and Councilmember Herbold:

We write to follow up on the Community Police Commission (CPC) and City Council meetings on June 3, and the announcement made the same day by City Attorney Pete Holmes that his office would “withdraw the City from the pending motion before the Court, until we thoroughly review and assess SPD’s response to recent demonstrations.”<sup>1</sup>

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<sup>1</sup> *City Attorney to Withdraw Consent Decree Motion*, <https://news.seattle.gov/2020/06/03/city-attorney-to-withdraw-consent-decree-motion/> (accessed June 4, 2020).

In the past week, City officials have referenced the CPC's work and, indeed, pointed to the existence of the CPC as evidence of progress. On June 2, Mayor Durkan stated her office would ask the City Council and the CPC to reconsider the policy regarding body-worn video.<sup>2</sup> Mayor Durkan also raised the possibility of bringing "SPOG and the CPC and community together to build more reconciliation between officers and community."<sup>3</sup> The CPC has, in the past, voiced its desire to work in partnership with all of our City partners. But now, more than ever, it is important to define what true collaboration and partnership mean. When the community is told that the City will work with the CPC, it is essential that the CPC's participation be meaningful, sustained, and documented. Accountability requires the establishment of clear expectations.

This letter cannot address all the concerns being voiced by the ongoing protests in Seattle. Those issues must be resolved through a thorough, transparent, and community-centered process. Rather, this letter serves as a foundational first step to ensure we are prepared to respond effectively during the weeks and months ahead. We ask that the City make these concrete commitments, which we believe will strengthen our working relationship and strengthen community oversight.

### **Immediately inform the CPC regarding policy changes**

- (1) We learned yesterday that Chief Best issued a memorandum on May 31, 2020, authorizing patrol officers to use CS gas canisters and 40-mm launchers during the ongoing protests. We are dismayed that SPD did not alert the CPC of these changes, and that these were not mentioned by Chief Best or Mayor Durkan when they attended last week's CPC meeting. We are left wondering what other policy changes are occurring without our knowledge or the community's knowledge. The CPC's responsibilities under the Consent Decree and the 2017 Accountability Ordinance include the review of Seattle Police Department (SPD) policies. We cannot do our job without this information. Please immediately send us copies of all policy changes and related memoranda that have occurred to date, and all policy changes and memoranda that occur going forward as they occur.

### **Immediately begin work to address weaknesses in the police accountability system.**

- (2) The City should immediately convene the accountability bodies—the Office of the Inspector General, the Office of Police Accountability, and the CPC—to discuss work plans emerging from this period in a comprehensive and coordinated fashion.
- (3) The City must prioritize the development of a methodology to achieve compliance with the Consent Decree on the issue of accountability. To do so, we request that City immediately schedule and convene meetings with the Department of Justice, the Monitor, and the CPC—together—to begin developing the framework to achieve compliance. Time is of the essence. The City must develop the framework and bring about swift change to the police contracts. The City made firm commitments to the community. It promised that it would implement the Accountability Ordinance reforms and negotiate needed changes

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<sup>2</sup> *Remarks as Delivered by Mayor Jenny A. Durkan – Tuesday, June 2 Press Conference*, <https://durkan.seattle.gov/2020/06/remarks-as-delivered-by-mayor-jenny-a-durkan-tuesday-june-2-press-conference/> (accessed June 4, 2020).

<sup>3</sup> *Id.*

to the SPOG and SPMA agreements in order to make this a reality. We are not looking for the City simply to pass muster under the Consent Decree, but to keep the promises it made to community.

- (4) The City should ensure, at a minimum, all the reforms in the 2017 Accountability Law are incorporated in the bargaining agendas with both SPOG and SPMA.
- (5) We have already communicated our desire that all three accountability entities choose a mutually approved technical advisor to be at the table during bargaining. If this is not possible, the City should agree that the CPC may appoint a technical advisor to assist the City's bargaining team on negotiations with SPOG and SPMA. The advisor should be a full member of the bargaining team. Although the CPC welcomes a conversation about who that advisor should be, the ultimate selection of the CPC's representative should belong to the CPC.]
- (6) The City should ensure the CPC is empowered to meet community expectations regarding its oversight—taking into account all lessons from the past seven years of its existence. For example, City should make a concrete commitment to providing timely responses to CPC inquiries, including expectations regarding timelines for written responses from the City. To carry out its duties and mission, and to respond to the public's concern expeditiously and accurately, the CPC often must request information from City leaders, including the Office of the Mayor and SPD. Additionally, as stated above, many recommendations that address issues like the policing of protests have been dismissed. If an agreement cannot be reached as to this request regarding how address these issues, the CPC then welcomes a conversation about whether new legislation should be considered to grant the CPC the legal ability to obtain needed information and better ensure its recommendations are impactful
- (7) The City must commit to providing adequate resources to oversight agencies. We request that the City honor a fiscal note to be submitted by CPC reflected an accurate cost analysis of the resources needed to carry out its work. Mayor Durkan stated during her June 4 press conference that all departments will see budget cuts. However, as referenced in recent request submitted to each of the civilian accountability bodies, including the CPC, there has been a dramatic increase in work because of recent events. Now is not the time to cut funding for this work. Resources can and should be reallocated to ensure that the accountability agencies can deliver what the community demands of us and what the City is promising the public.

**Empower to the Community Police Commission to fulfill its mission.**

- (8) The CPC welcomes partnership and collaboration with our City partners. The CPC, however, will reject representations that the CPC was "consulted" or that the CPC "participated" unless the CPC's participation has, in fact, been meaningful and sustained. Making incomplete or misleading representations of participation by the CPC in activities such as bargaining, or the development of SPD policies threatens the credibility and independence of the CPC. Working together requires a documented understanding of the nature and extent of the partnership and collaboration and clear guidelines on how the work will proceed. Going forward, we request and expect that each project done in collaboration must involve a written understanding among participants from start to completion, regarding roles, responsibilities, and expectations. Then we must work together to ensure and document that those expectations are met.

- (9) At various time over the past week, Mayor Durkan has asked community members and movement representatives to articulate demands and recommendations for the City’s consideration, to include the letter transmitted to the accountability partners by the Mayor on Friday, June 5, 2020. However, the City already has many years of recommendations that have not been adopted—including from the CPC and the former OPA Auditor.
- (10) The 2017 Accountability Ordinance endowed the CPC with the responsibility of tracking recommendations, but thus far the City has shown no resolve to comprehensively address and adopt the recommendations. To the contrary, until recent days, the City has been eager to trumpet its belief that the commitments paragraphs of the Consent Decree should be terminated, while failing to adequately acknowledge the scope of the work that remains unaccomplished. We request that a conversation be convened immediately to discuss recommendations—to include what implementation and accountability will look like to address any and all recommendations transmitted.
- (11) The City should ensure the CPC is empowered to meet community expectations regarding its oversight—taking into account all lessons from the past seven years of its existence. For example, City should make a concrete commitment to providing timely responses to CPC inquiries, including expectations regarding timelines for written responses from the City. To carry out its duties and mission, and to respond to the public’s concern expeditiously and accurately, the CPC often must request information from City leaders, including the Office of the Mayor and SPD. Additionally, as stated above, many recommendations that address issues like the policing of protests have been dismissed. The CPC requests that Memorandum of Understanding with the City be reached by month’s end to ensure that the CPC receives timely and full responses to requests for information and our recommendations.

**Address the role of the independent police monitor, as the federal court has ordered.**

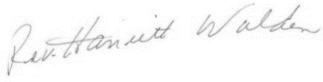
- (12) We were surprised to learn a couple of days ago that the City has informed the Monitor that the Monitor’s contract is ending very soon. The Court ordered the City to confer with the CPC about the Monitor’s ongoing role. This has not occurred, however. Has the City’s decision changed since it has withdrawn its motion? Regardless, the City should immediately engage with the CPC to address the Court’s order and the Monitor’s ongoing role.

**Support the King County inquest reforms.**

- (13) The City Attorney’s filing of a writ challenging King County’s inquest reforms—which had broad support in community and from the CPC—without consulting the CPC or, apparently, Mayor Durkan points to a significant systemic failure. The City should not only withdraw its writ challenging the inquest process, but it should immediately work with the CPC to support the reforms.

The Community Police Commission looks forward to your written response to this correspondence by June 11, 2020.

Sincerely,



Rev. Harriett Walden, Co-Chair  
Community Police Commission



Prachi Dave  
Community Police Commission



Rev. Aaron Williams  
Community Police Commission

cc: Lisa Judge, Inspector General, Office of Inspector General  
Andrew Myerberg, Director, Office of Police Accountability  
Seattle Community Police Commission  
Pete Holmes, Seattle City Attorney  
Councilmember Tammy J. Morales, District 2  
Councilmember Kshama Sawant, District 3  
Councilmember Alex Pederson, District 4  
Councilmember Debora Juarez, District 5  
Councilmember Dan Strauss, District 6  
Councilmember Andrew J. Lewis, District 7  
Councilmember Teresa Mosqueda, District 8  
Seattle Community Police Commission  
Lesley Cordner, Assistant Chief of Compliance and Professional Standards, Seattle Police Department  
Dow Constantine, King County Executive  
Dan Satterberg, King County Prosecutor  
Christina Fogg, Assistant U.S. Attorney  
Merrick Bobb, Federal Monitor  
David Perez, Counsel, Perkins Coie