

RESOLUTION NO. 2020-_____

A resolution establishing a Public Safety Reform Agenda for the City of Spokane.

WHEREAS, we all have a fundamental stake in public safety and community health, because we all have the right to be safe and healthy; and

WHEREAS, Black lives matter, and must matter to all of us if we are going to realize the promises of freedom and liberty for all people in our community; and

WHEREAS, in order to begin to heal the divisions in our community, we must recognize that there is a human who lives with us in our community behind every badge, and that City government must strive to bridge any perceived or actual divisions between all community members; and

WHEREAS, recognizing that even though we have made progress in Spokane, it is still true that in Spokane, as is the case across the nation, public trust in our law enforcement agencies is at a critically low point, and some fundamental ways to start rebuilding that trust are increased transparency, responsiveness, and accountability; and

WHEREAS, we also all understand and recognize that a fundamental shift is taking place in our national culture and consciousness, and that shift calls on the City of Spokane – both the City as an organization and the city composed of all of us who live here – to take this opportunity to accelerate and elevate police reforms to levels that deliver more equal treatment under the law and best practices of community policing and smart justice.

NOW, THEREFORE, BE IT RESOLVED that the City Council establishes the following as the City of Spokane’s Public Safety Reform Agenda:

1. To implement the will of the voters, the City will adopt the framework for negotiating all future collective bargaining police contracts in full view of the public as long as the City Charter provisions on public collective bargaining remain in effect. In that framework, collective bargaining will include interested community groups, not only to observe, but to participate, and to potentially be named parties in collective bargaining agreements.
2. The City will remove the currently accepted use of force category of “Exceptional Tactics,” which is currently used to justify departures from existing use of force policies. This includes an immediate prohibition of neck restraint/pressure techniques and intentional dog bites by K-9 units unless they are justified uses of “Deadly Force.” The Spokane Police Department will also gather and analyze data on use of force to enable policy-makers to understand the impact of these changes in use of force policies.

3. The Police Department will be prohibited from using armored vehicles except under conditions where officers are at imminent risk of coming under gunfire and the City will no longer purchase or accept military-grade weapons and hardware. The Police Department will no longer use in crowd control situations tactics, equipment, or munitions such as tear gas, blast balls, flash-bang grenades, or rubber bullets, except as a defensive measure in response to an imminent risk of injury to our officers or bystanders.
4. We will increase the hiring of diverse police officers within our Police Department at minimum to reflect the diversity demographics of our City by 2024, preferably hiring from the community in order to reduce negative implicit bias by improving contact between isolated groups, preferably using financial and other incentives and any other best practices allowable to improve hiring and retention under state law. We will use one full-time position funded by the 2019 Public Safety Levy to recruit and retain officers that will better reflect the demographics of our community.
5. City police officers shall be required to participate in ongoing mandatory training in areas including, but not limited to, motivational interviewing, gender studies, cultural competency, cultural humility, and implicit bias.
6. The City Council, along with appropriate public agencies such as the Office of Police Ombudsman Commission and the Human Rights Commission, will convene a collaboration group in 2020 to reimagine public safety using a community health lens of harm reduction for City functions that, by default, have landed on the Police Department, with all ideas on the table, and a report with recommendations due to Council by June, 2021. The collaboration group will include subject matter experts from the Spokane Police Department, institutions of higher education and representatives from community groups with lived experience related to policing.
7. The City of Spokane will formally implement by ordinance a “duty to report,” which will require that an officer witnessing one of his/her colleagues using unauthorized force must report that incident while on scene to the commander or the commander’s superior. If an officer observes and does not report, he/she could also be held liable for the officer’s actions.
8. We will more effectively implement the “duty to intervene,” which means that an officer witnessing one of his/her colleagues using unauthorized force must attempt to safely intervene to stop such use of unauthorized force by verbal and/or physical means. If an officer observes and does not attempt to intervene, he/she could be liable for the officer’s actions.
9. The City Council will put before the voters City Charter amendments to change our City Attorney from a position appointed (and accountable only to) the Mayor

to an independent position appointed for a renewable term, and only subject to removal within that term for cause and to provide greater institutional support for independent government accountability and oversight functions, such as an office of government accountability or 'inspector general,' and an office of civil rights, in addition to strengthening the Office of Police Ombudsman.

10. The City of Spokane will advocate at the state and federal levels for concrete reforms to improve the system of accountability for police departments across the state and around the country, including without limitation such legislation as the federal Justice in Policing Act of 2020, and in that effort, we will seek the unanimous support of our state and federal delegations in this request.
11. The City will advocate for changes to state and/or federal law to remove the judicially created doctrine of qualified immunity as a defense to proven instances of unconstitutional conduct by public employees. The City of Spokane will also condition the City's payment for legal defense costs and indemnification for City employees acting in the course of his/her duties on a waiver of qualified immunity.
12. The City will renew the publication on the City's website of all Internal Affairs ("IA") investigations with names redacted. The City will also post on the City's website all responsive records to all public records requests to the City, so that all community members can more easily review the records requested by any other person without additional expense or delay.
13. All police Administrative Review, Use of Force and Deadly Use of Force Panel meetings will be audio (and potentially video) recorded and the recordings posted on the City's website.
14. To lessen the potential for fatal mistakes and misjudgments due to fatigue, the City will explore, in consultation with the Sleep and Performance Research Center at the Elson S. Floyd College of Medicine at WSU-Spokane, a mandate for police officer time off in an effective ratio that will support their effectiveness worked.
15. The City will require police officers to ensure their body-worn cameras are on from the time a call is received to the time that the officer clears the scene or transfers a person subject to that officer's intervention to someone else's care.
16. From the effective date of this resolution, City will release all body camera video with appropriate redactions within 45 days of the City's receipt of a public records request for such video, unless the video is needed as part of a current criminal investigation that has not yet been provided to the Office of the Prosecutor. The City will no longer withhold video during IA investigations except as specifically exempted under the Washington Public Records Act, in order to comply with Washington State Supreme Court precedent - *Sargent v. City of Seattle*. The City

Council will explore and fund the appropriate technology and personnel requirements needed to accomplish this goal.

17. The City will publish or publicize general rules of engagement, excluding specific strategies or tactics, for large events, marches, and demonstrations ahead of time so participants and officers know what to expect to keep the peace and protect citizens and officers from physical harm, and will institute the practice of meeting with organizers of scheduled events in advance of events to ensure that logistical details and general rules are clearly specified and lines of communication established and maintained to ensure that everyone is safe while exercising their First Amendment rights.
18. The Police Department will collect and annually report data on all relevant criminal activity trends, interactions, public engagements, including all the data elements on race that are specified in RCW 43.43.480, as has been encouraged by the Washington State Patrol, the state Criminal Justice Training Commission, and the Washington Association of Sheriffs and Police Chiefs since 2000.
19. The City Council will appropriate funds to enable the Police Department to co-deploy at least six more behavior health interventionists and one supervisor to assist responding officers, potentially funded by the 2019 Public Safety Levy, and conduct a systematic review of our ordinances to de-criminalize those types of conduct which are more effectively addressed with behavioral and mental health interventions, rather than solely with a commissioned police officer's response.
20. We will ensure that our Office of Police Ombudsman Commission maintains minority and community representation from groups that have been subject to disproportionality in policing historically, as a way to help heal and address historical inequities.
21. The Council, through its Public Safety Committee or special ad hoc committees, will continue to work with the Administration, the Police Guild, and police staff to reform policies and procedures to use best practices and techniques to ensure law enforcement can deliver safe, equitable, and effective policing the community expects and deserves.
22. Prohibit, modify, or drastically reduce to the extent absolutely necessary for officer safety, the so-called "no-knock" execution of search warrants within the City limits, and institute publicly reviewable standards for authorizing such warrants.
23. The City will work with its Civil Service Commission and the community (including current public safety employees) to determine what the best qualifications should be for public safety employees in the City of Spokane and work to update qualification standards and testing to align all future hires with those needs.

24. Consistent with Washington State law on public employee collective bargaining, fully align the powers and practices of the Office of Police Ombudsman (“OPO”) with Section 129 of the City Charter, adopted by the voters in 2013 by a vote of nearly 70% in favor, in particular the duty to publish comprehensive closing reports and power to conduct independent investigations, provided that such investigations do not interfere with internal affairs investigations and that the OPO has no authority over officer discipline.

BE IT ALSO RESOLVED that the City Council finds that the implementation of each agenda item contained in this resolution is crucial to rebuild, maintain, and increase the public’s trust in our local government, particularly in the Spokane Police Department as an institution and in its people.

BE IT FURTHER RESOLVED that the City Council urges the Mayor to do whatever is necessary within her authority to fully implement each item contained in this agenda.

PASSED by the City Council this ____ day of _____, 2020.

City Clerk

Approved as to form:

Agreed and Concurred:

Assistant City Attorney

Mayor