

DRAFT OUTLINE FOR JOINT STATEMENT/PLAN FOR POLICE REFORM

THIS DRAFT IS CURRENTLY A WORK-PRODUCT BETWEEN COUNCIL PRESIDENT AND THE CITY ADMINISTRATOR. NEITHER COUNCIL NOR THE MAYOR'S OFFICE HAVE AGREED OR FORMALIZED ANY LANGUAGE.

OUTLINE OF JOINT STATEMENT

- I. MAYOR AND COUNCIL COMMUNITY CONVERSATION FOR REFORM
- II. GROUND RULES & TENETS FOR A FACILITATED CONVERSATION ABOUT AND IMPLEMENTATION OF POLICE AND CRIMINAL JUSTICE REFORM
- III. SUBJECTS THAT THE MAYOR, POLICE LEADERSHIP AND THE MAJORITY OF CITY COUNCIL CONCEPTUALLY AGREE ARE READY TO IMPLEMENT AS SOON AS APPROPRIATE POLICIES, ORDINANCES AND/OR FUNDING CAN BE FINALIZED PRIOR TO THE COMMUNITY CONVERSATION ENVISIONED BELOW.
- IV. SUBJECTS THAT NEED EXTENSIVE CONVERSATION AND ANALYSIS BEFORE ADOPTION AND IMPLEMENTATION

I. MAYOR AND COUNCIL COMMUNITY CONVERSATION FOR REFORM

The Mayor and City Council Members have engaged in extensive conversations with each other regarding police and criminal justice reform in response to the killing and treatment of unarmed victims of police violence throughout the nation. The Greater Spokane Community has turned its attention to addressing local issues of racial disproportionality in its criminal justice system and the difficult task of balancing the use of force with individual safety of all people involved.

The City of Spokane Police Department has undergone a remarkable series of reforms in the past ten years and there is more work to do. Historical bad acts and systemic racial bias that reach into the present have traumatized many individuals and communities. Fortunately, when we move beyond our roles in the community and focus on our essential humanity, we have a remarkable capacity for reconciliation. The Mayor and the majority of the City Council have already reached agreement on many reforms that can now be implemented, which are set out below.

However, we seek deeper transformation of our entire criminal justice system and a restoration of relationships between all participants in that system. Towards that end, we have set out to convene a courageous conversation among community representatives, the police, and other interested parties to explore the more challenging issues also listed below. The Mayor and City Council will retain experienced facilitators to explore the issues below. This exploration will include elected officials, City employees with subject matter expertise¹, and those with lived experiences, including crime victims and victim advocates, from the criminal justice system². The goal is to seek agreement and provide feedback to policymakers on how to transform our current system.

¹ Likely police, prosecutors, judges, probation officers, public defenders and the Office of Police Ombudsman.

² The intent is to include diverse community voices who reflect all experiences with the system, including those arrested, victims of crime, and the family members of all three, recognizing that there is often intersectionality between all three.

This conversation will require substantial financial and staff resources to complete along with a robust public engagement strategy. The City can immediately begin implementing the agreed reforms and then add additional reforms for implementation amidst the ongoing conversation. Ideally, the entire list of reforms would be fully explored in less than a year regardless of whether or not full consensus is reached on each item.

II. GROUND RULES & TENETS FOR A FACILITATED CONVERSATIONS ABOUT AND IMPLEMENTATION OF POLICE AND CRIMINAL JUSTICE REFORM

Because police and criminal justice reform is a subject both highly charged and critical to the overall health of our community and the staff that serves that community, a set of “conversation ground rules” or tenets are crucial. In order for any conversation on this subject to be productive, the tenets should be formally agreed to by all parties to the conversation prior to starting the substance of the conversation. An initial set of draft tenets are set out below, subject to the input and agreement of the people invited to the conversation. The final approved tenets must be jointly agreed to in every way by all conversation participants.

RESPECT: Begin every conversation with this basic human expectation.

HUMANIZE: Recognize that the discussion is about humans acting in every role who are imperfect, insightful, and invested in our community.

HONEST: Establish frank and authentic discussion as a baseline for a respectful conversation.

TRUST: Build a foundation of mutual respect, acknowledging that historical and current context has hindered growth in this area for all involved.

COURAGEOUS: Acknowledge these difficult conversations require significant introspection from all parties involved that pulls people outside of their comfort zones and places them in vulnerable positions.

EQUITY: Evaluate the current situation and future improvements through this important lens.

ACCOUNTABLE: Accept that officers are held to a higher standard due to the powers and trust bestowed while expecting individual community members to be reciprocally accountable for their actions.

SAFETY: Prioritize equally the safety of community members and officers.

TRANSPARENCY: Expect this fully of all involved in the conversation.

COMPASSION: Establish this as a key component for decision-making.

LEADERSHIP: Model the values, at all levels, that we expect and instill in our department.

LOCAL: Evaluate and decide based on experiences and expectations in and for our community.

ACKNOWLEDGEMENT: Recognize all sides and the contributions, positive and pointed, each makes to the conversation while avoiding categorically dismissing any points of view.

EFFECTIVENESS: Evaluate proposed changes against the ability of officers to do their jobs safely and with the least impact.

SUPPORTIVE: Demonstrate genuine care and concern for every member of the community.

SERVICE: Continue improving public safety service for all members of the community.

REDUCTION: Continue the mission of reducing crime citywide through community policing, criminal justice reforms, and connectivity to community resources that end the repeat offender cycle.

HEALTH: Measure success based on overall community health while recognizing it as a multi-faceted evaluation that includes stakeholders on both sides of the badge.

RESPONSIVENESS: Respond to calls for service and public inquiries in a professional, courteous, and timely manner.

OUTCOMES: Define the expectations for our community and universally celebrate important milestones.

DATA: Base decisions on data to drive outcomes that are reasoned, thoughtful, and have universal applicability.

OBJECTIVE: Acknowledge bias when entering the conversation and be open to other viewpoints and experiences.

INCLUSIVE: Encourage active listening to all sides by creating an environment that minimizes volume and theater, invites new voices, and values counter viewpoints, and act based on impact to others.

BALANCE: Evaluate ideas based on the collective good while considering and respecting the lived-experience behind the request, proposal, or action.

III. SUBJECTS THAT THE MAYOR, POLICE LEADERSHIP AND THE MAJORITY OF CITY COUNCIL CONCEPTUALLY AGREE ON ARE READY TO IMPLEMENT AS SOON AS APPROPRIATE POLICIES, ORDINANCES AND/OR FUNDING CAN BE FINALIZED PRIOR TO THE COMMUNITY CONVERSATION ENVISIONED BELOW.

1. The City of Spokane commits to ending racial disproportionality in policing and criminal justice. Despite past improvements and ongoing efforts to dismantle systemic and implicit racial bias in the policing of Spokane, ongoing community discussion about voluntary stops, detentions, arrests, searches, and uses of force by police require further study of the racial component of those interactions. The City of Spokane Police Department will continue to record and publish racial data in all police initiated interactions with community members, and the City calls on every agency within the Spokane Regional Criminal Justice system to similarly record and publish every significant action within the criminal justice system using data based on race. The City, including the Spokane Police Department, in collaboration with communities of color and the Office of Police Ombudsman, will create and update annually a plan to reach racial proportionality and allocate sufficient funding to achieve plan milestones and the overall goal of proportionality. (10 Align and 1 Maybe)
2. To implement the will of the voters as expressed in the Spokane City Charter, the City will adopt the framework for negotiating all future public collective bargaining contracts in full view of the public as long as the City Charter provisions on public collective bargaining remain in effect. In that framework, the City will explore, consistent with Washington collective bargaining law, how to include impacted community groups in the review of collective bargaining agreements that directly impact them. (5 Align and 6 Maybe)

3. The City will increase the hiring **and promotion** of diverse public safety and criminal justice employees at minimum to reflect the diversity demographics of the City of Spokane by 2024, preferably hiring from **longtime** community **residents** 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. The City will create at least one position to recruit and retain public safety employees that reflect the demographics of our community, including developing and coordinating training **and events** related to diversity and inclusion for the Police and Fire Departments. **(8 Align and 1 Maybe)**
4. City police officers and other city criminal justice employees shall continue participating in and adding where needed ongoing mandatory training in areas including, but not limited to, motivational interviewing, gender studies, cultural competency, cultural humility, history of race and law enforcement, anti-racism, anti-white supremacy, and implicit bias. The City will publish its training schedule for departments that participate in these subject areas annually. **(7 Align, 2 Maybe and 1 Neutral)**
5. The City of Spokane will strengthen the “duty to report” policy, which requires 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. **(6 Align and 1 Done)**
6. The City will strengthen the “duty to intervene” policy, 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. **(5 Align and 1 Done)**
7. The City is committed to the mental health of its police officers and will provide them adequate mental health care resources and time off duty sufficient to maintain their mental health. 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 and health while working. In addition officers engaged in traumatic encounters as defined by a mental health professional will receive time off and be given the opportunity to consult with a mental health professional. There are multiple variables related to performance that will be analyzed to support officers in performance of their duties. **(10 Align and 1 Maybe)**
8. Consistent with the provisions of the current CBA, the City will require police officers to ensure their body-worn cameras are on from the time a call is received, **or the officer initiates contact**, to the time that the officer clears the scene or transfers a person subject to that officer’s intervention to someone else’s care. Repeated violations other than *de minimis* will result in progressive discipline. **This measure will require collective bargaining before implementation. The City will publish annually disaggregated data on body camera compliance.** **(8 Align, 1 Maybe and 1 No)**
9. The City will seek to release **upon request** 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 or there are **documented** insufficient staff resources. The City will prioritize the release of records related to officer involved deaths and incidents highly publicized in the local media. The City will not withhold video during Internal Affairs 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 will explore the appropriate technology and personnel requirements needed to accomplish this goal. The City will explore moving public records currently assigned to the Police Department to the City Clerk’s supervision in order to increase independence in determining applicable exemptions and the schedule of release of records. **(8 Align and 1 Maybe)**
10. 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 and mutually

responding jurisdictions know what to expect to keep the peace and protect citizens and officers from physical harm. It will institute the practice, to the extent that this is possible, 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 and city policing responsibilities. (5 Align and 5 Maybe)

11. The Police Department and Municipal Court 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. (6 Align and 3 Maybe)
12. The City will ensure that our Office of Police Ombudsman Commission maintains representation from communities of color and other groups that have been subject to disproportionality in policing historically, as a way to help heal and address historical inequities. (4 Align and 1 Done)
13. The City, as a partnership of the Council, through its Public Safety Committee or special ad hoc committees, Administration, Police Guild, and police staff, will continue to work to reform policies and procedures to use best practices and techniques to ensure law enforcement can deliver safe, equitable, and effective policing. The City will not tolerate racism and will adopt a racial equity lens and process to evaluate police and criminal justice operations on an annual basis. The City will publish an action plan, which it will update annually. (5 Align and 2 Maybe)
14. The City will prohibit City of Spokane commissioned police officers from participating in the so-called “no-knock” execution of search warrants within the City limits except when the warrant is limited to the search for illegal weapons, a vulnerable community member, or a fugitive from the law. (4 Align and 1 Done)
15. 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—the goal being to select only the highest quality candidates for our police department in relation to their revised duties. (4 Align and 2 Maybe)
16. 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; 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. (7 Align, 2 Maybe and 1 Done)
17. The City will advocate for appropriate bail reform and full funding of pre-trial community supervision in Spokane County Superior Court so that Spokane community members who have been arrested but not convicted can benefit from the full promise of least restrictive conditions of release under CrR3.2(B). (9 Align and 1 Maybe)

IV. SUBJECTS THAT NEED MORE EXTENSIVE CONVERSATION AND ANALYSIS BEFORE ADOPTION AND IMPLEMENTATION

These are topics that the Mayor, Council, SPD, and community agree to study and discuss using the Tenets listed above. All topics will be fully explored without precondition as to whether or not the City Council and Mayor will Implement them.

1. ~~The City, as a partnership of the Council, Administration, and Spokane Police Department along with appropriate public agencies such as the Office of Police Ombudsman Commission and the Human Rights Commission, will convene a collaboration group in 2021 to reimagine public safety and criminal justice using a (racial equity and) 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 November, 2021. The collaboration group will include subject matter experts from the Spokane Police Department, the Office of Police Ombudsman, institutions of higher education, and representatives from community groups with lived experience, including victims of crime and crime victim advocates, related to policing and criminal justice. The review and report will focus on current calls assigned to police services that could be accomplished in tandem with or independently by non-commissioned employees and/or non-governmental organizations. (3 Align)~~
2. (A.) The City will accelerate implementation of Initiative 940 (& HB1267) requirements and publish annual reports on its progress, (B) including a new procedure to (engage) the Police Ombudsman (and community) of critical incidents as required under SMC 4.32.040. (5 Align and 2 Maybe)
3. (If we agree on reforms here.) The Mayor, Council, SPD, and community will collaborate and advocate in a unified voice for additional safeguards, for the community and our officers, at the State and National level. This may include many topics to be discussed and agreed upon openly that would support the agreed upon reforms. (6 Maybe and 2 Align)
4. Consistent with State and Federal laws, the use or preclusion of Qualified Immunity defenses in cases where the City is paying for the legal defense and fully indemnifying city employees who are sued for conduct within the course of their official duties; including a review of policies, history, data, effectiveness, procedures, procedures, and how its current use impacts police reforms. (6 Align, 1 No and 1 Neutral)
5. (A) The City will consider renewing the publication on the City's website of all Internal Affairs ("IA") investigations with names redacted. (B) The City will also consider posting 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; and save staff time and taxpayer funds. (4 Maybe, 4 Align and 1 No)
6. All police Administrative Review, Use of Force, and Deadly Use of Force Panel meetings will be considered for audio and video recording and posting on the City's website. (4 Maybe, 4 No and 2 Align)
7. The City Council will consider appropriating funds in 2021 to enable the Police Department to co-deploy up to an additional six behavior health interventionists and one supervisor to assist responding officers, funded by not yet allocated funds in the 2019 Public Safety Levy, and conduct a systematic review of our ordinances to identify those types of conduct which are more effectively addressed with behavioral and mental health interventions, rather than with a commissioned police officer's response. (7 Align and 1 Maybe)

STICKIE NOTES:

- a. 1. Racial w/equality lens on hiring (Need BIPOC behavioral health agency)
 - b. 2. Systems Issues: But Call Center: Spokane Regional Emergency Communications is controlled by county/no city member
8. The City will consider fully fund pre-trial community supervision in its Municipal Court so that all individuals arrested who have not been convicted of a crime will be subject to the least restrictive conditions of release necessary to ensure their return to court and community safety in compliance with CrRLJ3.2(B) without setting bail amounts that they are unable pay. (8 Align and 1 Maybe)

STICKIE NOTE

- a. \$ There; involve community

9. The City will continue to advocate for Smart Justice reforms at the County, State and Federal levels so that individuals accused and convicted of crimes will be individually evaluated for their criminogenic needs and responsivity and provided personalized evidence-based interventions that will reduce the likelihood of future offenses and costs to taxpayers. The City will support monitoring of judicial and prosecutorial discretionary decisions to evaluate their alignment with Smart Justice and racial equity. The City will seek further collaboration with its County partners to reform its entire criminal justice system in a manner that reduces crime, reduces costs and reclaims lives. (7 Align, 2 Maybe and 1 No)

STICKIE NOTE

- a. Smart justice from all angles
10. The potential modification of several current use of force tactics and/or policies based on history, data, effectiveness, procedures, comparison to the use by the nation's top³ police departments, proportionality, reasonableness, necessity, safety, and interference with 4th and 1st Amendment. Tactics and/or policies would include intentional bites by police dogs, the Exceptional Tactics exception to regular policies, lateral neck restraints, rubber bullets, tear gas, and armored vehicles. Each tactic and/or policy would be discussed separately in individual sessions. (1 Align and 1 Done)

Notes:

- 1. Racial w/equality lens on hiring (Need BIPOC behavioral health agency)
- 2. Systems Issues: But Call Center: Spokane Regional Emergency Communications is controlled by county/no city member
- \$ There; involve community
- Smart justice from all angles

³ "Top police departments" means the nation's largest police departments that have adopted racial equity practices and have demonstrated superior results in reductions in use of force, community complaints and crime.