

October 1, 2009

RE: Police Guild Contract Negotiations

Dear Council Members:

We are writing to urge you to support a resolution that would direct the Mayor to include independent investigatory powers for the Office of Police Ombudsman (OPO) in the current contract negotiations with the City of Spokane Police Guild. Independent investigatory powers are proven to have reduced liability claims against cities for alleged police misconduct and improve the relationship between police officers and the citizenry. The only stated reason for not including them in the original OPO ordinance was the existence of a labor contract that could not be changed mid-term without Guild acquiescence. The citizens of Spokane were promised independent investigatory authority in the new contract and with negotiations approaching, it is time to keep that promise.

There is no question that under Washington law, that Offices of Police Ombudsman can conduct independent investigations of police misconduct as long as that subject is bargained for in good faith within normal contract negotiations. City of Seattle and King County both have independent investigatory authority for their police Ombudsman functions. The only legal impediment to Spokane providing that authority is an argument that the City can't impose it without first attempting to bargain for it in contract negotiations. Even that argument is weak given the fact that no Washington Court has determined that independent investigations of alleged police misconduct without the power to impose discipline could ever be considered a change in daily working conditions subject to mandatory bargaining. Even if non-disciplinary oversight is a working condition, Washington Law directs that such issues be raised in the bargaining process which has commenced.

The Mayor's Office has not announced any intent to pursue independent investigatory power in the upcoming contract negotiations even though the Police Chief, the Chief's expert and the Mayor's Office formally endorsed full independent investigatory authority. A resolution by the Council directing the Mayor to include this topic in negotiations will provide her with the political support necessary to complete the important work of police oversight through the OPO. If Boise, Los Angeles, Denver and San Francisco are any indication, fully empowering this office will reduce insurance payouts, litigation and bad feelings between the police and the citizenry that hire them as peace officers.

There is no increased cost for independent investigatory authority, and there may be significant budgetary savings. The Office of Police Ombudsman would still be required to live within its existing budget by prioritizing its work. The difference is that the OPO would have the explicit authority to conduct real investigations and propose changes to policies and training that would result in more effective policing and fewer allegations of misconduct. The current OPO does not prohibit independent investigations, but explicit

language authorizing it would make it easier (and thus less costly) for the OPO to fulfill its official function.

Please consider supporting the attached ordinance or a similar one in the near future so that it will become part of the negotiations record. The Guild argued in the last round of negotiations that if police oversight through the OPO isn't included in the initial negotiations, then it can not be included in the final arbitration over contract terms if negotiations break down. This means that the time is now to begin the conversation about independent investigatory authority, or Spokane will have to wait until after the next contract has expired and negotiations re-commence.

Sincerely,

Breean L. Beggs  
Chief Catalyst, **Center for Justice**

Liz Moore  
Director, **Peace & Justice Action League**

Deb Abrahamson  
Founder, **SHAWL Society**

V. Anne Smith  
President, **NAACP of Spokane**

Kiondra Bullock  
Director, **Voices for Opportunity, Income, Childcare, Education, and Support (VOICES)**

Hollis Higgins  
Chair, **Progressive Democrats of America, Spokane chapter**

Bryan Burke  
Executive Director, **Eastern Washington Voters**

Linda McClain  
Director, **Coalition of Responsible Disabled (CORD)**