



City of Seattle
Mayor Jenny A. Durkan

July 14, 2020

Dear Senators and Representatives:

Thank you for your recent letter. The City of Seattle and state are at an unprecedented moment. We continue to see rising COVID-19 cases and continued demonstrations demanding action to reimagine policing and public safety, dismantle institutional racism, and invest in true community health and opportunity. We are also facing economic devastation and job losses leading to record unemployment, an unprecedented City government deficit of \$300 million, and growing community needs like food and rent assistance.

I believe it demands the legislature finally act to implement progressive revenue to address our community's needs – many of these needs including investments in education, housing, youth, and behavioral health are critical to the health of our communities and economic stability of our communities. We need to pass progressive taxes and roll back regressive taxes. As a start, it is time to pass a state income tax, and a statewide payroll tax and time to reduce sales and property taxes. And cities need to be given explicit authority to reduce B&O taxes on small businesses, reduce property taxes on affordable housing and eliminate sales tax for our poorest residents.

As cities across the state and country rethink policing and community safety, it will take the work of every level of government. Understanding many of you in the legislature and the Governor's Task Force are leading a series of actions on policing, I wanted to share some of my initial ideas around statewide reform that I have heard from community and some ideas on reforming police unions that I think can become a national model. I believe these changes and actions align with many of the areas being considered by the legislature including investigations and prosecutions, use of force policies and training, licensing and decertification, and statewide policy union reform.

Both Chief Carmen Best and I are committed to transforming the Seattle Police Department, and in recent weeks, we have both shared our vision to completely rethinking community safety and the police departments role, especially an armed officer. This includes our proposed significant cuts and reorganization of SPD's budget in 2021.

As you are no doubt aware, Chief Best and I have made numerous changes in recent weeks:

- A full review by the Office of Police Accountability (OPA) and the Office of the Inspector General (OIG), Community Police Commission (CPC), and federal monitor of the crowd management policy including the use of less than lethal tools;
- Signing emergency legislation requiring SPD officers to have their body-worn cameras turned on during demonstrations for increased accountability;

- Withdrawing the pending court motion to terminate the requirements under the Consent Decree sustainment plan;
- Issuing an SPD order on mourning badges to ensure that officers on duty have their badge numbers fully visible. Weeks later, City Council later codified this;
- Calling on the City Attorney and County Prosecutor to not file criminal charges for misdemeanors related to peaceful protestor violations; and
- A reduction of tens of millions to SPD's budget for the rest of 2020 and a review of SPD functions and potential budget actions for the 2021 budget.

I also wanted to reiterate that any individual incidents and uses of force by the Seattle Police Department are being investigated by the Office of Police Accountability. OPA is working to complete as many of these investigations as possible in under 90 days.

However, the largest obstacles to accountability are state laws that restrict what a city or Chief can do, or which fail to deal with critical policing issues. As we work together in the coming weeks and months, I wanted to convey some initial ideas as we begin to engage the community and advocate for transformative changes at every level of government. Some of my initial ideas are described in more detail in the attached letter that I am also sharing with the Governor's Task Force.

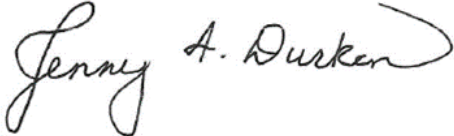
- **Create a Uniform Licensing and Review System.** Currently, Washington State Criminal Justice Training Commission oversees both the certification and revocation of certification of officers. Sworn police officers should be regularly licensed and certified, subject to ongoing training requirements, and subject to license suspension or revocation for specified misconduct, which should be public. A license suspension or revocation would prevent individuals from working as a police officer anywhere in the state. The Washington Department of Health provides easy access to information on health care professionals in the state including nurses, physicians or pharmacists including disciplinary actions taken and credentials denied for failure to meet qualifications. Creating a similar statewide site would promote public trust, uniform professional standards and public safety.
- **Create Independent Statewide Entity to Investigate and Prosecute Police Officers and Uniform Inquest Procedures.** Create an independent statewide entity to investigate and prosecute police officers when their use of force results in someone's death or serious injury. Ensure Inquest procedures are uniform in every county, and afford adequate support and rights to families of individuals killed by police.
- **Statewide Reform of Police Including Deference to Police Chief on Termination and Disciplinary Decisions.** State labor laws restricts cities and police chiefs in their ability to discipline or terminate problem officers. A Police Chief's decision is the ultimate accountability in the police department, so his, her, or their decision to discipline or terminate an officer should be given deference and presumed proper unless it is an abuse of discretion or arbitrary and capricious. State law should provide that a Chief's decision is reviewed only on the record (new evidence cannot be introduced), and the decision must be upheld if it is supported by the record. Currently based on state law, the Chief can be overturned based on the current standard of de novo review or new facts that were not part of the original record. In addition, I believe Washington could lead the nation by

removing arbitration and requiring appeals through a civilian oversight board to create more public transparency. We also need to be able to have a community member at the table to provide accountability. All of these changes require you to pass legislation.

- **Grant Cities Subpoena Power for Police Misconduct and Civilian Police Oversight Entities.** I believe that the state should make it explicit that local jurisdictions have authority to issue administrative subpoenas to aid and abet the investigations of civilian oversight entities into individual officer police misconduct and systemic reviews of departments policies and practices. The law should also make clear the need for due process protection of anyone who is the subject of a subpoena and provide protections for a witness who comes forth with information and that it will not be held or used against them in other proceedings.
- **Uniform Policies and Training.** The state would benefit if there were consistent and uniform policies across departments on a range of issues, including use of force policies, training, body cameras, badge numbers, crowd management, and reporting. While departments could always make further reforms.

I want to work with each of you on how we make real community investments and transformative changes to policing. I look forward to meeting soon to engage on your ideas for policing and the critical community investments that we need to make, so we can build a robust coalition in Olympia for significant reforms.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style.

Jenny A. Durkan
Mayor of Seattle