

# Stop Bargaining Police Accountability: Strengthen Public Trust in Law Enforcement

## *Support SB 5134*

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The first police unions in the United States were established in the 1960s. Since then, the historical record of overturned efforts to hold officers accountable for hurting and killing members of the public reveals the corrosive effect of allowing discipline for excessive use of force and serious misconduct to be considered an appropriate topic for collective bargaining.

All union members rely on collective bargaining to secure fair wages and working conditions, but collective bargaining is not the right place to set the rules of *police* accountability.

This bill removes discipline for excessive use of force and other serious misconduct from police union collective bargaining and makes the disciplinary process more transparent and accountable to the public. These changes are critical components of a broader effort to build public trust in law enforcement and reverse the epidemic of violent policing that disproportionately impacts Black and Indigenous people and communities of color.

### **This Bill Removes Barriers to Police Accountability**

Investigations of officer-involved deaths and injuries are not an appropriate topic for contract negotiations. Policing is unique among governmental functions due to the authority and broad discretion of officers to engage in state-sanctioned use of force, taking of life, and taking of liberty. Police chiefs and senior staff with training and supervision responsibilities — and civilian oversight systems in those cities that have them — must be able to implement timely, fair, and effective disciplinary measures as soon as issues arise to minimize the risk that early signs of abusive behavior develop into patterns that escalate and ultimately result in tragedy.

This bill takes practices that undermine effective discipline and accountability off the bargaining table. For example, it prohibits police union contracts from allowing officers to review video recordings and witness statements, and compare stories with colleagues, before being interviewed about misconduct allegations. It also prevents police unions from setting the rules for sealing, redacting, or destroying records of officer misconduct. Further, it ensures police unions cannot limit chiefs from taking misconduct history into account in decisions about specialty assignments such as field training officer.

### **This Bill Eliminates Private Arbitration of Disciplinary Appeals**

One of the primary ways police union contracts undermine accountability is the inclusion of private arbitration as an option for disciplinary appeals. Arbitration has an established record of frequent reversals and reductions of chiefs' decisions on appropriate discipline. This pattern undermines public trust and sends a message to other officers that their jobs will be protected even if they commit serious, and even willful, misconduct.

This bill removes private arbitration as an option. Replacing private arbitration with hearings in front of civil service commissions, administrative law judges or hearing examiners will bring public transparency to the appeals process and help build community confidence that accountability measures will be consistently and reliably applied and upheld.

### **This Bill Requires Transparent Development of Disciplinary Policies and Systems**

Every jurisdiction must have systems in place for receiving and investigating misconduct complaints and imposing discipline when appropriate. Also, every jurisdiction must create reasonable opportunities for the public to review and comment

on the laws, rules, and policies proposed to establish these systems — especially Black and Indigenous people and communities of color and people with disability and language barriers who historically have experienced disproportionate levels of policing in their communities and police violence.

This bill creates these requirements for every Washington jurisdiction without imposing a one-size-fits-all approach. The needs of smaller communities will be different from those of larger communities, for example. It also ensures that jurisdictions and departments take into consideration the access challenges different community members face when participating in public policymaking processes.