

August 4th, 2020

Dear Matthew & UWPD Officers,

Thank you again for meeting with us, Matthew, to discuss ways of ensuring the health and safety of people on campus, particularly Black and other persons of color, by reimagining policing. We hope to continue our dialogue and include UWPD officers to find ways to work together to fight racism and austerity while uplifting the needs of all workers through collective bargaining.

As you know, our coalition's demands and subsequent presentations to the Board of Regents have highlighted some ways that the Teamsters 117 UWPD collective bargaining process could result in positive changes consistent with our demands. We were encouraged to hear that you are open to finding ways to address these concerns, and we are also reaching out to UWPD officers with WFSE 1488.

We have heard from UW Labor Relations that a draft CBA has already been sent out for ratification. We still have a number of questions that came up in our discussion that we would appreciate hearing from you on, detailed below.

Oversight Committee

We discussed the side letter about a new oversight committee summarized on the UW Labor Relations website(<https://hr.uw.edu/labor/2020/06/25/uw-teamsters-117-negotiations-recap-for-june-23>) as follows:

“should the University create an oversight committee that creates and/or proposes changes to policies and/or procedures that are mandatory subjects of bargaining, the Employer would fulfill its legal obligation to provide the Union notice and opportunity to bargain.”

You'd indicated that you weren't aware of this new Side Letter, although it's existence creates an excellent opportunity for police officers and UW community members who are dedicated to reimagining anti-racist policing to work together. Will 117 members be willing to work with us to propose goals and objectives of such a committee, patterned on the Seattle Community Police Commission and other civilian oversight committees? We think this committee should be designed with your input as well as community input and not simply chosen in top-down fashion by UW administrators. We envision committees like this being highly effective at improving oversight, transparency, and community trust while also identifying ways to end austerity-driven racist policies and practices that result in disproportionate incarceration, harassment, killings and poverty.

Incentivizing Re-training and disarmament

We would like to continue exploring with you the proposal to provide increases in wages for officers who undergo training and disarmament necessary to create new forms of campus safety.

Retention of personnel records

In our discussion we'd raised concerns about your proposal to reduce the length of time before certain employee records could be removed from an officer's personnel file. You clarified that you'd withdrawn that proposal and reached tentative agreement with UW to maintain your current language, with an exception of records related to sexual misconduct. Could you clarify what this exception means exactly?

We further discussed our concerns that the existing language in the CBA maintains that records are removed following a schedule of 3 or 5 years. You responded that many other unions have language for removal of records related to misconduct and disciplinary action (referring to the CBAs listed on this website https://www.teamsters117.org/public_sector_contracts) and cautioned against creating a "slippery slope" by considering changes to terms like this.

Maintaining records of police misconduct are critical to ensure public trust, so that officers with previous records can be held accountable for their actions. High profile killers like Derek Chauvin are not the only officers who are repeat offenders; according to exhaustive research by Steve Rushin, Campaign Zero, and others, the existence of language in police CBAs limiting record retention is a barrier to police accountability, because it makes it more difficult to track patterns of misconduct. This is what led the Seattle Community Police Commission to propose, and the City of Seattle to adopt in its 2017 Accountability Ordinance, provisions enabling the retention of personnel records related to discipline for the duration of an officer's employment, plus 6 years. It was one of the reasons that several labor leaders and union members from UW signed on to a [letter](#) opposing the ratification of the SPOG contract in 2018.

With regard to your concern about the slippery slope, we need to be clear that our coalition and the global movement to reimagine policing has been consistent in asserting that police officers are unique among public employees in being entrusted with the right to use lethal force, to deprive people of their liberties, and as such to credibly threaten the safety and security of our communities in ways that demonstrably and disproportionately impact Black, Indigenous and other communities of color. Some other CBAs include limitations on record retention, but many UW CBAs do not (including it would appear some CBAs bargained by Teamsters 117). More importantly: to our knowledge, none of the employees covered by these collective bargaining agreements work in industries whose record retention protocols have

been shown with such substantial evidence to impact Black and Indigenous, low wage, health under-served, unsheltered and other communities of color. Given the national awareness and outrage over police discipline being regularly overturned, we hope you will join us in proposing a change to this term of your CBA. We welcome your response to this issue so we can better understand your perspective.

Response Requirements

We also wish to learn more about why you proposed - and UW accepted - an increase in the amount of time required for a police officer to make a formal statement following the use of deadly force which results in the injury or death of a person. You'd noted that there is disagreement over the question of whether officers should be expected to provide a statement about a lethal force encounter immediately or after some delay. One study arguing that there should be no delay in taking a report can be found here:

https://faculty.sites.uci.edu/eloftus/files/2019/11/McClure_OfficerShooting_PsychCrimeLaw2019.pdf. The "neurobiology of trauma" research on which officer related shooting interviews and statement delays depend has been roundly critiqued in its application here, and

misinterpreted (Ward. 2020 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3627302).

Moreover, cumulative related work on trauma memory suggests that memory is most clear in regards to traumatic or extraordinary vs. mundane experiences, and that memory is impressionistic and fades over time (McNally, R.2005

(<https://www.hup.harvard.edu/catalog.php?isbn=9780674018020>). This is the approach to memory and testimony collection of Sexual Assault Nurse Examiner (SANE) training and protocol (Ledray 1999 https://www.ncjrs.gov/ovc_archives/reports/saneguide.pdf, Campbell

and Randall. 2005. 2011. <https://content.apa.org/record/2010-13683-005>) which supports collecting survivor narratives immediately, before collecting physical evidence as both

therapeutic and as forensic evidence. There is also evidence that hormonal protective functions produced in the brain during and after trauma wears off, making recounting of the trauma after the passage of time more mentally and physically painful and retraumatizing

(Haskell L, Randall M. 2019 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3417763).

In terms of police departments, an Administrative Review Team (ART) report on the shooting of 17-year-old Mi'Chance Dunlap-Gittens in 2017 by King County sheriff's deputies cited a delay in interviewing the officers involved as one problem with the investigation and recommended "an initial statement be taken before the end of the involved deputy's shift" (Carter, 2020.

<https://www.seattletimes.com/seattle-news/crime/reforms-left-to-die-on-the-vine-after-teen-is-killed-in-2017-king-county-sting-report-says/>) And a 2016 study of police interviewed after

active -shooter training found no difference in recall/accuracy or cognitive capacity between the group of officers interviewed immediately after the event and those interviewed two days

later (Alpert, Porter, & Ready, 2016, <https://www.washingtonpost.com/news/true-crime/wp/2018/07/31/police-usually-wait-days-before-interviewing-officers-in-shootings-a-new-study-says-they-shouldnt/>)

We're interested to learn more about the research the University and Teamsters 117 have considered in moving away from immediate reporting: could you please provide this for us?

Arbitration

One topic that we did not thoroughly discuss but that we would also like to raise with you is the process of ensuring fair, consistent, and transparent processes for review of disciplinary actions by management. We strongly support due process rights for all workers to ensure that discipline or dismissal is not arbitrary, is only enacted with just cause, and guarantees the right to review by a neutral third party. This creates accountability for all parties involved: management and worker, as well as community. We know, however, that in the context of CBAs like the one pertaining to Seattle PD there have been some serious concerns raised about the ways in which the existing arbitration process has compromised accountability and resulted in misconduct findings being overturned: lack of civilian access to the proceedings, inconsistent and unclear standards of evidence, problems with arbitrator selection process, etc. This is a component of what prompted a judge to find the City of Seattle to be again out of compliance with the Consent Decree that had originally been enacted after findings of excessive force.

Could you tell us more about what, if any, review you've made of the arbitration process in your contract from the vantage point of evaluating not only the due process rights of officers but also the impacts on any community members who have raised complaints?

Again, we appreciate your willingness to work with us and wish to reiterate that we are committed to helping push for some additional time to address these issues so that you're not pressured to accept bad terms simply on the basis of collective bargaining deadline. We will be communicating with the board of regents as well about this in a few weeks but hope we first can develop a stronger understanding and alignment with Teamsters 117 and other unions representing campus police on these matters. We look forward to talking again soon. Please feel free to reach out to us individually or collectively.

Best wishes,

David Parsons, UAW 4121

Carrie Matthews, UW Faculty Forward (Senior Lecturer, English)

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