

July, 6, 2020

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Independent Community Police Oversight Commission
Comments to City Council

Good evening,

Before I get started, I must acknowledge that on this day in 2016, Philando Castile was pulled over for a broken taillight and, for what should have been a routine traffic stop, was ultimately killed in front of his partner and infant child by police officer Jeronimo Yanez, who lived to be acquitted of all charges. I have said both here and at our own meetings that we must continue to say their names, and on this day, I believe it is especially important that we say the names of both victims and officers.

I am here today to go over the resolution that the Independent Community Police Oversight Commission passed regarding the city's collective bargaining agreement with the Ann Arbor Police Department.

Many people in and around Ann Arbor have read former police chief Dan Oates' comments in the July Ann Arbor Observer. I would like to echo his sentiments that the majority of police officers are people willing to sacrifice themselves to protect others, and I personally know several police officers who entered police work and have stayed in police work because of their commitment to help the communities they serve.

However, as we engage in a broader discourse about police reform, it is clear that across the country, and even here in Ann Arbor, good police officers are not enough. No reform will happen unless politicians, such as those of you on this Council, are willing to fight for it by taking on police labor unions. I know that binding arbitration and Public Act 312 may seem terrifying, but we urge you, going forward, to negotiate for terms that will facilitate real transparency and accountability and reform.

Collective bargaining agreements, including the one on the table this evening, are often antiquated and contain provisions representative of cultural attitudes on policing from decades long past. Further, in talking to several council members, I was surprised to learn that you typically do not review the entire contract as it progresses, and that you might not even see it until a few hours before it comes up for a vote. This is quite frankly disappointing, especially in contrast to our commission, which has taken the time to go through the contract line-by-line in preparation not just for this meeting, but in order to be better accountable to the community we serve.

Our resolution, which has been posted on our Twitter account: @A2IPOC has addressed some salient issues we have observed during this negotiation process. This is by no means, however, an exhaustive list.

First, the commission requests that any collective bargaining agreement include that ICPOC has access to the names of police officers named in complaints, whether they have been exonerated by the police or not. It is necessary for us to be able to track patterns of complaints in order to assure the public that we are in fact living up to our mission of accountability. We were fortunate to be able to consult with the city attorney's office during the creation of our resolution, so we know that there is no legal impediment to this request.

Second, we have also looked at police discipline. Although personnel files are retained by the city indefinitely, as it stands, the progressive discipline of police is based on their last 2 years only. We request that that be extended to 7 years because it is important that past misconduct be considered in disciplinary decisions. Although officers should be able to redeem themselves, it is clear that there are some patterns of misconduct that would be better evaluated and disciplined over a longer period of time.

Third, we request the elimination of binding arbitration for termination. The elimination of binding arbitration in this manner has been happening across the country as municipalities agree that police chiefs need to be able to fire police officers for misconduct. As it stands now, unions negotiate for favorable retirement terms and chiefs have to find creative, expensive pension packages to get rid of problematic police officers.

Fourth, another problem that we have consistently had is that processes in the city have excluded us, even though we have existed for almost two years. For us to have been excluded throughout this negotiation process is a serious oversight. I can't help but be reminded of "whites only primaries" that took place during Reconstruction where, if African Americans were allowed to vote at all, they were only allowed to do so at the end of the process, after primary candidates were chosen. That was the case with the selection and interview of this police chief as well as with this bargaining agreement. That must be remedied.

Going forward, we want to be notified of a 30-day intent to bargain any police contract, and we want the chief negotiator, whether that is from HR or the City Manager's office, to give us timely and regular updates to any bargaining. We also want our concerns to be included and taken into serious consideration during negotiations. We understand that City Council has many concerns, but our **only** focus, and the reason for our existence is police transparency and accountability. The entirety of our commission is being trained as certified practitioners of oversight and thus we can bring our expertise to bear during the negotiation process. We represent the Ann Arbor community and they need to have confidence that there is a trained body of individuals examining the contract. Pragmatically speaking, if you are concerned that doing the right thing is going to negatively affect your re-election prospects, we would be happy to assume that responsibility.

Finally, I have to say, that for us to have been consulted regarding this contract for the first time on Monday, June 1st, on the day that the contract was first up for a vote, is incredibly indicative of how unimportant it is to this body that anyone thoroughly examines CBA and asks the hard questions.

People who live and work in Ann Arbor are not comfortable with the fact that this body readily votes on such important contracts without reading them, and this community certainly deserves to know that someone examines these issues with their interests in mind.

It is our sincere hope that Council does not vote to pass the CBA this evening. Doing so would not only disregard the enormous community outpouring of support for police reform, but it would also disregard the entire purpose for our commission's existence.

Thank you.