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To Reform the Police, Target Their Union Contract

By Sukyi McMahon and Chas Moore

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Supporters in Austin, Tex., of the 2017 Millions March. Credit: Austin Justice Coalition



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AUSTIN, Tex. — After decades of lawsuits and mass protests failed to radically reform the troubled Police Department, we tried a new tactic a few years ago: Targeting one of the most problematic police union contracts in the country. As a result, Austin went from having a retrograde contract to one that offers transparency and accountability. Other cities can follow this route as well.

For years, the Austin Police Department's contract limited civilian oversight, allowed police misconduct records to basically vanish and kept certain important internal affairs files under seal. This lack of oversight, accountability and transparency was linked to the disproportionate policing of Austin's black community.

In Austin, black people represent only 8 percent of the population yet are subjected to 14 percent of stops, 26 percent of searches, 24 percent of arrests and 31 percent of officer-involved shootings.

For us, the tipping point came in 2016, after a police officer killed [David Joseph](#), an unarmed, naked black teenager. Around then, a video circulated showing Breiaon King, a slim, young black schoolteacher, being violently and needlessly arrested at a traffic stop. When she tried to file a complaint about a year later, a statute of limitations on misconduct negotiated in the police contract prevented the police officers from being disciplined.

Mr. Joseph's death was a severe blow to the black community, as were the injustices Ms. King suffered. So we decided that the police contract was the best path forward for reforms. We knew it was going to be a fierce fight. This labor agreement essentially prevented people from being able to make complaints against police officers and was notoriously hard to influence from the outside.

For 18 months, our group, the Austin Justice Coalition, led a major grass-roots organizing campaign. We demanded a seat at the bargaining table with the City Council and the police union and pressed for reforms with teeth.

And we won.

In 2017, the City Council voted down the police union contract because of concerns over accountability, not for the usual reasons like salary or benefits — reportedly the first time a City Council has ever done this.

A year later, it approved a contract with real reforms: Short suspensions are no longer automatically downgraded to confidential written reprimands after a few years. Complaints that suggest police officers may have committed crimes now have a longer investigative period. And people can file complaints online.

The City Council also passed an ordinance creating an independent oversight office, which for years had been baked into the contract itself and wrongly used as a bargaining chip. As a result, it was ineffective. Now the oversight office is now accessible to the entire community. It can accept anonymous complaints, file them of its own accord and publicize the findings. In addition, it can provide information on verified complaints for major incidents like deadly officer-involved shootings, publicize disciplinary decisions on certain minor incidents and audit footage from body and dashboard cameras.

We didn't get everything we wanted. But we set out to make Austin safe for ourselves, livable, where our hyper-visibility wouldn't endanger us and make us susceptible to the biases and vagaries of unchecked policing. And these reforms are a major step towards that goal.

Here's how we did it.

We began our campaign during the city's 2016 budget session so that our demands would interrupt the flow of money into the department.

We organized our members to participate in a rare public hearing at city hall on the police contract, and almost every week in 2017, our coalition attended meetings between the city and the police association.

We packed chairs around the periphery of the room, took detailed notes and then cross-referenced every change to the previous contract. Then we'd return to the offices of council members and city negotiators to urge them to support our reforms.

Negotiators from the city told us that our presence changed the dynamics of the bargaining by compelling real dialogue between the city and the association. In previous years, the union had railroaded the city for exorbitant pay increases and stipends in exchange for negligible improvements in oversight.

The police association resisted our reforms and the city's attempt to include them in their bargaining terms. As the vote drew closer, the union claimed that hundreds of officers would retire en masse if the council rejected the contract — a threat local news stations and our daily paper reported as fact.

At that point we had secured only one reform and the narrowest and least visible of them all — the ability to make online complaints.

In response, our coalition launched a public information campaign that included community forms in each council member's district.

On Dec. 13, 2017, dozens of people from every district and all walks of life appeared at the City Council meeting to oppose the contract because it did not include meaningful reforms to accountability, transparency or oversight. By midnight, an exhausted council voted that the parties return to the negotiation table to incorporate our reforms.

The union backed out of the negotiation. And then the sky didn't fall.

Only about 33 police officers retired after the contract was voted down; the total number of retirees that year was about the same as the previous two years. Over the next several months, however, the association was under pressure to negotiate a contract since its members lost their stipends when they refused to return to the table in December.

In the summer of 2018, the union swapped out its chief negotiator for one who sought our input, seeming to understand that the union was actually going to have to compromise.

On Nov. 15, the City Council voted unanimously for the much-improved contract, which priced out at \$44 million, half of the association's \$82.5 million bid in the 2017 deal.

Police union contracts are ripe for reform because so often accountability, transparency and oversight are tied up in them. Yes, the process can be long and taxing, as we know. But the rewards are substantial.

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