



Chief Art Acevedo
Via email: public.affairs@houstonpolice.org

Mayor Sylvester Turner
Via email: mayor@houstontx.gov

Officer Joe Gamaldi
Via email: jgamaldi@hpou.org

July 1, 2020

Re: Public access to deliberation on the Meet and Confer Agreement between the Houston Police Officer's Union and the City of Houston

Dear Mayor Turner, Chief Acevedo and Officer Gamaldi,

As protests in the streets of Houston and testimony in City Hall make apparent, the public thirst for meaningful and immediate police reform will not abate and cannot be ignored. The current contract between the Houston Police Officer's Union and the City of Houston, known as the Meet and Confer Agreement (M&C), governs the terms of employment for police in the Houston Police Department (HPD). Several provisions of the M&C operate as barriers to meaningful reform by shielding officers from accountability for misconduct.¹ This contract is set to expire at the close of this calendar year, making it incumbent upon you to improve the terms of the agreement. We write asking that you make the negotiations between the Police Officer's Union and the City public by: 1) publicizing the meeting dates of the M&C negotiations, 2) allowing the public to listen and 3) providing an opportunity for public input. Doing so not only serves the law, but also serves key reform issues of transparency and accountability.

¹ For example, Article 30, Subsection 4 of the M&C requires that officers be provided for review witness statements from the investigation into the officer's misconduct 48 hours before the officer is questioned about the alleged misconduct. In addition, Article 31, Subsections B and C provide a 180 day statute of limitations for imposing discipline on an officer for misconduct but the deadline for more egregious conduct is stricter than for less serious misconduct: to impose an indefinite suspension, the Department must impose the discipline 180 days from the date the misconduct occurred, irrespective of when the Department found out about the misconduct. Temporary suspensions, on the other hand, must be imposed 180 days from the date the Department became aware of the misconduct. The contract also establishes Independent Hearing Examiners (IHE) to hear appeals by officers of the disciplines imposed on them but the IHE's are voted in by a Committee comprised of HPD employees, many of which the Chief himself appoints.

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The Texas Local Government Code evinces a distinct preference for public deliberations regarding contracts like Houston’s M&C; indeed, several provisions of the Local Government Code require it.² Separate and apart from the legal requirements, it also is good policy. Populous cities and counties, like San Antonio and Hays County have embraced transparency in their deliberations with law enforcement concerning the terms of police employment. San Antonio makes all of these meetings open to the public and are posted online.³ Hays County gives notice of its open deliberations between the County and the police union.⁴ Ultimately, policing is a public service subject to democratic governance. This can only be accomplished through transparency and opportunity for public input—not through backroom negotiations hidden from public oversight.

Houston should follow suit. Nothing in the law prohibits the City from making its negotiations with the Police Officers Union public and doing so would be an important step towards accountability and transparency in the Houston Police. The only seeming obstacle is the Houston Police Department’s and the City’s willingness to answer to the public they serve. We urge you to makes these deliberations open to the public.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Segura', with a stylized flourish at the end.

Andre Segura
Legal Director

² See e.g. Texas Local Government Code § 142.063(a) and § 174.108.

³ <https://www.sanantonio.gov/City-Attorney/CollectiveBargaining>

⁴ <https://hayscountytexas.com/2020/06/09/notice-of-open-deliberations-related-to-collective-bargaining/>