

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE,

14 Defendant.

CASE NO. C12-1282JLR

ORDER SCHEDULING A
STATUS CONFERENCE

15 Before the court is a letter from Jenny A. Durkan, Mayor of Defendant City of
16 Seattle (“the City”), and Carmen Best, Chief of Police of the Seattle Police Department
17 (“SPD”). (Letter (Dkt. # 484).) The letter informs the court that Mayor Durkan’s office
18 has successfully negotiated a Tentative Agreement (“TA”) with the Seattle Police
19 Officers’ Guild (“SPOG”). (*Id.* at 1.)

20 Based on the foregoing, the court hereby SCHEDULES a status conference for
21 November 1, 2018, at 1:30 p.m. The court DIRECTS the parties and other interested
22 entities as described below to address the following topics at the status conference:

- 1 (1) the process and timeline by which the TA will be finalized;
- 2 (2) next steps in the event the TA is not finalized;
- 3 (3) the parties' preliminary positions on whether the TA complies with the terms
- 4 and purpose of the Consent Decree;¹
- 5 (4) the point at which the court should review any agreement between the City and
- 6 SPOG to ensure compliance with the Consent Decree, and the process for such
- 7 a review.²

8 The purpose of the November 1, 2018, status conference is not for the court to
9 make any substantive determinations concerning the TA, but rather to update the court on
10 the current status of events involving the TA and to formulate a plan for moving forward

11 ¹ The Consent Decree consists of the parties' Settlement Agreement (Dkt. # 3-1) with
12 modifications agreed to by the parties and approved by the court (Dkt. # 13) on September 21,
13 2012. The court acknowledges that further briefing on this topic may be required in the future
14 and so does not envision exhaustive analysis from the parties on the issue of compliance with the
15 Consent Decree at this time. Instead, the court is interested in hearing about or having the parties
16 highlight possible provisions or areas that may be of issue or concern to the court once the TA is
17 finalized or at the time the court conducts a substantive review.

18 ² The court's interest in the TA pertains to the TA's compliance with the Consent Decree.
19 Whether or not the TA is consistent with the City's Accountability Ordinance is of interest to the
20 court only to the extent that changes to that Ordinance may implicate the Consent Decree.
21 Similarly, the court's interest in the collective bargaining process is based solely on its concern
22 with the City's and SPD's successful completion of Phase II of the Consent Decree and the
City's and SPD's continued compliance with the Consent Decree. (*See, e.g.*, 1/10/18 Order (Dkt.
439) at 15 ("The court has previously indicated that it will not grant final approval to the City's
new police accountability ordinance until after collective bargaining is complete. . . . If
collective bargaining results in changes to the accountability ordinance that the court deems to be
inconsistent with the Consent Decree, then the City's progress in Phase II will be imperiled.");
see also 9/7/17 Order (Dkt. # 413) at 3 ("The court declines to rule on a variant of the
[Accountability] Ordinance, but will await the final version that is ultimately implemented
following collective bargaining."); *id.* at 4 ("The court's approval of sections 3.29.115(A)-(B)
and 3.29.230(A)-(B)) of the [Accountability] Ordinance, however, is conditional. If these
provisions change in any way, as a result of the collective bargaining process or otherwise, the
parties must so inform the court and resubmit the provisions to the court for further review."))

1 in a manner consistent with Phase II of the Consent Decree in light of recent events. To
2 prepare for the status conference, the court ORDERS the City and Plaintiff United States
3 of America to each submit a memorandum no later than Monday, October 29, 2018, that
4 addresses the topics listed above and is no more than ten (10) pages in length. In
5 addition, the SPD and the Community Police Commission each may, but are not required
6 to, submit a separate memorandum addressing the same topics and subject to the same
7 deadline and page limitation.

8 Dated this 23rd day of October, 2018.

9
10 

11 JAMES L. ROBART
12 United States District Judge
13
14
15
16
17
18
19
20
21
22