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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	Case No. 2:12-cv-01282-JLR
Plaintiff,)	
)	CITY OF SEATTLE’S BRIEF
v.)	REGARDING THE SUBMISSION OF
)	SPD ACCOUNTABILITY SYSTEMS
CITY OF SEATTLE,)	LEGISLATION
)	
Defendant.)	
)	
)	
)	

The City of Seattle, through City Attorney Peter Holmes, respectfully submits the following brief, which includes as Exhibit “A” a draft legislative package concerning the Seattle Police Department’s (“SPD’s”) accountability systems. Pursuant to the Court’s Order of September 9, 2016 (Dkt. 310), this draft legislative package is submitted for the Court’s review for consistency with the terms and purpose of the Consent Decree.

I. Background

The beginning of the process that eventually led to the attached draft legislative package was laid out in the Court’s February 25, 2016 Order. (*See* Dkt. #275.) After that Order was issued, and consistent with the plan described in two letters from the City Attorney (*see* Dkt. #274), a number of

1 City stakeholders engaged in six multi-hour meetings over the course of two months. Those meetings
2 provided a forum for a robust discussion of a myriad of issues relating to SPD's accountability
3 systems.

4 The City then filed a brief describing the meetings and identifying a path forward. (*See* Dkt.
5 #289.) The Civil Rights Division of the Department of Justice and the United States Attorney's Office
6 for the Western District of Washington ("DOJ"), as well as amicus the Community Police
7 Commission ("CPC"), submitted separate filings that largely concurred in the proposed approach.
8 (*See* Dkts. ##290 and 291.)

9 On July 11, 2016, the parties jointly filed a stipulated motion and proposed order concerning
10 prospective accountability legislation. (Dkt. #297.) In this stipulated motion, the parties requested that
11 the Court grant the City leave to proceed with the drafting of accountability legislation and to engage
12 in its legislative process to consider, pass, and enact such legislation. (Dkt. #297, at ¶¶ 6-13.)

13 On August 9, 2016, the Court granted the stipulated motion, in part. The Court authorized the
14 City to draft legislation concerning SPD's accountability systems, but directed that the legislation be
15 submitted to the Court for review and approval prior to any City Council legislative action. (Dkt.
16 #305.)

17 At a status conference on August 15, 2016, the parties and the CPC addressed the anticipated
18 collaborative effort of developing legislation. Many hours of meetings and discussions between City
19 stakeholders followed.

20 **II. The Resulting Draft Accountability Legislation**

21 The draft legislative package that is submitted with this brief represents the stakeholders' best
22 efforts to fashion a consensus package that also integrates direction from the Court and guidance from
23 the Monitor. The vast majority of this draft legislative package was agreed to by all City stakeholders

1 involved in the process.

2 Notably, there is fundamental agreement on the overarching elements of SPD’s accountability
3 systems:

- 4 • An independent, civilian-led and staffed Office of Police Accountability that has the
5 resources and internal mechanisms necessary to continue to conduct fair, thorough
6 and timely investigations and to engender and maintain the trust of the community.
- 7 • A far-reaching and powerful Office of Inspector General to provide rigorous audits
8 and analyses of SPD policies, procedures and practices, and to act as a permanent
9 “monitor” to verify that SPD maintains its standard of excellence and its commitment
10 to and practice of constitutional policing.
- 11 • A permanent and robust CPC to ensure that the community has a formal role to
12 provide input and civilian oversight, and the ability to ensure police accountability
13 today and in the future.

14 That is not to say, however, that there is complete consensus. In these limited areas of non-
15 consensus, the stakeholders identified options that lay out more than one potential approach.¹ The
16 City believes that all of the potential options, and the entirety of the draft legislative package, are
17 consistent with the terms and purpose of the Consent Decree, but that decision rests with the Court.

18 The City also observes that, as anticipated, portions of the draft legislative package change
19 the functions and duties of current elements of SPD’s accountability systems in ways that require
20 Court approval and ultimate amendment of the Consent Decree. Should the Court approve these

21
22 ¹ For ease of reference, the areas of non-consensus and potential options are contained in the following subsections:
23 3.29.015.D; 3.29.020.A.16; 3.29.020.A.17; 3.29.027.A; 3.29.027.F; 3.29.100.B; 3.29.105.C; 3.29.110.A.9;
3.29.110.A.10; 3.29.205.B; 3.29.206.A; 3.29.206.B; 3.29.206.C; 3.29.210.A; 3.29.215.A.9; 3.29.215.A.10;
3.29.215.C.4; 3.29.310.A.4; 3.29.310.A.5; 3.29.310.A.7.a; 3.29.310.A.8; 3.29.330.A; and 3.29.335.B. (See Exhibit A,
at pgs. 4, 6-7, 12-14, 17-19, 21-22, 31-33, 35, 39-40, 44-45, and 49-51.)

1 changes in its review, the parties will then meet and confer concerning necessary amendments to the
2 Consent Decree, consistent with ¶ 225, and submit appropriate briefing to the Court with input from
3 the DOJ and the Monitor.

4 **III. Next Steps for the Court and the Parties**

5 As required by the Court, any comments by the parties or amicus CPC concerning the draft
6 legislation must be submitted within twenty-one days of this filing, by October 28, 2016. (*See* Dkt.
7 #310.)

8 Pursuant to the Court's Order, it is the City's understanding that the Court will then review
9 the package to determine whether it is consistent with the terms and purpose of the Consent Decree
10 and that the Court will endeavor to conduct this review within ninety days. (*See* Dkt. #308, at p. 3.) If
11 the Court determines that a conflict exists, it will issue an order informing the parties of which aspects
12 of the draft legislative package, if any, conflict with the terms or purpose of the Consent Decree. (*See*
13 Dkt. #305.)

14 After notification from the Court, the City will begin its formal legislative process. The Mayor
15 will finalize legislation and transmit it to the City Council for consideration by the appropriate
16 committee. The Council will then engage in its full legislative process to review and potentially amend
17 the legislation, with opportunity for public comment. Once the committee process concludes, the
18 legislation will be considered by the full Council.

19 Consistent with the Court's Order, if legislation is ultimately adopted that includes terms
20 previously disapproved by the Court or new terms that have not yet been reviewed by the Court, the
21 City will submit the legislation to the Court for re-review and re-approval. (*See* Dkt. #305.) The City
22 will identify those specific terms when it submits the legislation to the Court.
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DATED this 7th day of October, 2016.

For the CITY OF SEATTLE

s/Andrew T. Myerberg
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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on October 7, 2016, I electronically filed the foregoing with the Clerk
4 of the Court using the CM/ECF system on the following counsel of record:

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22 DATED this 7th day of October, 2016, at Seattle, King County, Washington.

23 *s/Andrew T. Myerberg*

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