

THE HONORABLE JAMES L. ROBART

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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 NOTICE OF
v.)	FINAL COLLECTIVE BARGAINING
)	AGREEMENT AND PROPOSED PATH
CITY OF SEATTLE,)	FORWARD FOR REVIEW
)	
Defendant.)	
)	
)	
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)	

In accordance with the Court’s direction, the City previously agreed to present changes to the City’s police accountability and review system to the Court for review.¹ The City of Seattle hereby notifies the Court that a final collective bargaining agreement (CBA) between the City and the Seattle Police Officers Guild (SPOG) has been reached. The Seattle City Council enacted the

¹ See, e.g., Aug. 26, 2015 Status Conference (Dkt. 229 at 6:3-15); Court’s August 26, 2015 Order (Dkt. 228); City’s May 10, 2016 Brief Regarding SPD Accountability Systems Review (Dkt. 289 at 2-3, 28-29); Court’s Aug. 9, 2016 Order (Dkt. 305 at 2-3).

1 agreement as Ordinance Number 125693 on November 13, 2018. Mayor Durkan signed the
2 collective bargaining agreement, making it final, on November 14, 2018. The Council also passed
3 companion Resolution Number 31855 (without executive concurrence) which expresses the
4 Council's intention to seek this Court's review of the CBA and asks that the Seattle City Attorney's
5 Office seek review by the Court of specific provisions of the CBA.

6 At the November 5, 2018, status conference the Court expressed its intent to review the
7 tentative CBA once it had reached a stage "appropriate for federal court review." Nov. 5, 2018
8 Status Conf. Trans. at 51:14-20. The agreement is now a final CBA and has reached a stage
9 appropriate for review.

10 In addition, now that the City has completed collective bargaining over the Accountability
11 Ordinance (Ordinance) with both affected unions,² Court review of the Ordinance is timely. Because
12 provisions in the Ordinance were subject to collective bargaining, the Court, while issuing limited
13 rulings on aspects of the draft and final Ordinance, declined to undertake a complete review of the
14 Ordinance until the collective bargaining process was complete. Court's Jan. 6, 2017 Order (Dkt.
15 357); Court's Sept. 7, 2017 Order (Dkt. 413 at 3). Specifically, the Court determined that it would
16 "await the final version [of the Accountability Ordinance] that is ultimately implemented following
17 collective bargaining" before making a final ruling on the Ordinance. (Dkt. 413 at 3.)

18 The City respectfully proposes the following path forward for review. The City has already
19 initiated conversations with the Department of Justice and the Monitoring Team regarding how the
20 CBAs and the Ordinance impact the City's police accountability and review system. In particular,
21 DOJ has requested additional information about a provision in the SPOG CBA concerning

22 ² The City completed bargaining with the Seattle Police Management Association (SPMA)
23 in November 2017. *See* Dkt. 425 (notifying Court of completed negotiations).

1 disciplinary appeals. The two CBAs and the Ordinance are complex documents, as are the Consent
2 Decree and this Court's subsequent orders, and the City will continue to consult with the Department
3 of Justice and the Monitoring Team regarding the appropriate scope and focus of the analysis. After
4 initial meetings and discussions, which are well underway, have taken place, the City will be in a
5 position to propose a briefing schedule. Accordingly, the City plans to confer with the Department of
6 Justice and provide the Court with a proposed briefing schedule by no later than December 7.

7 DATED this 30th day of November, 2018.

8 For the CITY OF SEATTLE

9
10 PETER S. HOLMES
Seattle City Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 30th day of November, 2018, at Seattle, King County, Washington.

s/ Kerala T. Cowart
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