



Seattle City Attorney

Peter S. Holmes

November 20, 2017

Via E-filing

Honorable James L. Robart
United States District Court
Western District of Washington at Seattle

Re: *United States of America v. City of Seattle*, No. C12-1282-JLR

Your Honor:

The paragraphs below are the letter I intended to file with the Court today. Because it addresses one of the topics of the order the Court issued today (Dkt. 424), I am filing it now. I will of course respond more formally on both topics by December 8, in accordance with the order.

On November 13, City Council voted to authorize the Mayor to execute a new collective bargaining agreement between the City and the Seattle Police Management Association (“SPMA”), the union representing the lieutenants and captains of the Seattle Police Department. The Mayor executed the agreement, which spans 2014 through 2019, on November 17. I join the Mayor in commending the agreement as an important step forward not only in the City’s partnership with SPMA, but in the implementation of the City’s new police accountability ordinance.

In the Court’s most recent order addressing the ordinance, on September 7, the Court declined to make a final ruling that the ordinance was consistent with the Consent Decree, instead choosing to “await the final version that is ultimately implemented following collective bargaining.” Sept. 7, 2017 Ord. (Dkt. # 413) at 3. Despite the leap forward with SPMA, collective bargaining is not complete. The City has yet to reach agreement with the Seattle Police Officers Guild (“SPOG”), which represents sworn officers below the rank of lieutenant.

For the most part, the SPMA agreement embraces the police accountability ordinance that the Court has been considering, in draft and enacted form, since late last year. Without attempting to list comprehensively the areas where the agreement does not precisely match the ordinance, I note that among other provisions of the ordinance, SPMA accepted the “civilianization” of the Office of Police Accountability (“OPA”), agreeing that SPMA members will not serve as supervisors of OPA’s investigators. The most significant departure, and the one that has drawn the most public attention, is that whereas the ordinance allows an officer to appeal a disciplinary decision only to the Public Safety Civil Service Commission, the agreement permits SPMA members, like all union members in the City, the additional option to appeal discipline to an arbitrator. Without weighing in on the advantages or disadvantages of this departure from the ordinance, I recognize that bargaining requires compromise.

While collective bargaining continues, the City is either implementing or working toward implementing those provisions of the ordinance that do not require collective bargaining. I have not asked the Court to review the City’s steps forward on that front, adhering to the Court’s instruction to seek review only if “the parties believe

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such review is necessary to keep the reform process moving forward.” Sept. 7, 2017 Ord. at 4. I assure you, however, that the City remains mindful that that regardless of that progress, every provision of the ordinance is subject to the Court’s review when bargaining is complete.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter S. Holmes", written in a cursive style.

Peter S. Holmes
Seattle City Attorney

Cc (via e-filing): counsel of record for United States
counsel of record for City of Seattle
counsel of record for Monitoring Team
counsel of record for amicus Community Police Commission
counsel of record for amici SPMA, SPOG

Cc (via e-mail): Kathleen O’Toole, Chief of Police
Merrick Bobb, Monitor
Ian Warner, Counsel to the Mayor
Andrew Myerberg, Interim OPA Director
Francisco Rodriguez, Interim OPA Auditor
Bruce Harrell, City Council President
Lorena Gonzalez, Chair, GESCNA Committee