

1 THE HONORABLE JAMES L. ROBART

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6 UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 CITY OF SEATTLE

13 Defendant.

CASE No. C12-1282JLR

**MEMORANDUM SUBMITTING
UPDATES TO CERTAIN
MONITORING PLAN
DEADLINES**

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17 This Court approved the Third-Year Monitoring Plan, which “formalize[d] expectations
18 and deadlines for the third year” of monitoring, in March 2015. Dkt. 195 at 1. The Court
19 approved an Updated Third-Year Monitoring Plan that included some updates and adjustments
20 relating to the Monitor’s plan for conducting systemic assessments and to SPD’s training
21 schedule. *See* Dkt. 221 at 1–2.

22 The Monitor submits to the Court, and indicates approval of, some additional updates and
23 adjustments that will enable the assessments and policy reviews implicated to be completed more
24 effectively and efficiently.

25 First, the Updated Third-Year Monitoring Plan called for SPD and the City to “certify

1 that it has reached temporary and partial compliance with paragraph 153 of the Consent Decree
2 to the extent that it is employing a sufficient number of first-line supervisors and in a manner that
3 ensures that the provisions of the Agreement . . . are implemented” by September 30, 2015. Dkt.
4 221-2 at 6. The Parties and Monitor have agreed that this certification is premature given that
5 not all assessments that directly bear on supervisory issues – including those related to *Terry*
6 stops, the Early Intervention System, and others – will have been completed until March 14,
7 2016. Accordingly, the Monitor endorses changing the deadline for the City and SPD to certify
8 that it is complying with paragraph 153 until March 14, 2016.

9 Relatedly, the Parties and Monitor agree that the Monitor’s Supervision Assessment, Dkt.
10 221-4 at 4–5, should be adjusted to begin on January 4, 2016 and end by March 14, 2016 so that
11 the assessment of how supervisors are doing and whether SPD employs a sufficient number of
12 supervisors to effectively and consistently comply with what the Consent Decree requires.

13 Finally, the Parties and Monitor agree that the deadline for completing the annual
14 revision the OPA Manual, as required by paragraph 180 of the Consent Decree, should be
15 changed to January 14, 2016. The Monitoring Team’s assessment of OPA investigations will be
16 filed with the Court by December 14, 2015. Dkt. 221-3 at 8–9. The Parties believe that the
17 consideration of what OPA procedures and protocols can be strengthened or further improved
18 should be informed by real-world evidence and trends observed across cases by neutral
19 reviewers. The Monitor agrees. Indeed, the Monitor’s First Systemic Assessment previewed
20 how the Parties are effectively making use of the Monitor’s independent reviews to drive further
21 reforms in critical areas of the Consent Decree. *See* Dkt. 231 at 4 (describing findings that “the
22 quality and integrity of Type II force investigations must improve substantially” as basis of
23 “discussions with the Parties about mechanisms for quickly strengthening sergeant investigations
24 and chain of command review of Type II force”).

1 Because these updated deadlines are consistent with the implementation of “a pragmatic
2 [monitoring] plan that endeavors to set aggressive but realistic dates for compliance,” Dkt. 195 at
3 10, the Monitor respectfully seeks the Court’s approval of the three updated deadlines described
4 here.

5 DATED this 30th day of September, 2015.

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7 Merrick J. Bobb, Monitor

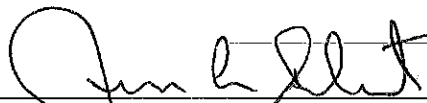
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MEMORANDUM SUBMITTING UPDATES TO CERTAIN
MONITORING PLAN DEADLINES
Case No. C12-1282JLR

Merrick J. Bobb, Monitor
Police Assessment Resource Center
PO Box 27445
Los Angeles, CA 90027
(213) 623-5757

1 The Court hereby approves updating the deadline of the SPD supervision certification to
2 March 14, 2016; the deadline for the completion of the Monitor's Supervision assessment to
3 March 14, 2016; and the deadline for submitting revisions to the OPA Manual to January 14,
4 2016.

5 DONE IN OPEN COURT this 1st day of October, 2015.

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8 THE HONORABLE JAMES L. ROBART
9 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on the 30th day of September, 2015, 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 attorneys of record:

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DATED this 30th day of September, 2015.

/s/ Jackie Slavik
Jackie Slavik