

1 THE HONORABLE JAMES L. ROBART

2  
3  
4  
5  
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

14 **MEMORANDUM SUBMITTING**  
15 **REVISIONS TO CERTAIN**  
16 **MONITORING PLAN**  
17 **DEADLINES**

18 Pursuant to ¶ 183 of the Settlement Agreement and Order of Resolution (“Consent  
19 Decree”), it is the responsibility of the Monitor to submit to the Court, with the Parties’ approval,  
20 a Monitoring Plan “setting out deadlines for policy, training ... and ... for conducting the  
21 compliance reviews and audits [in] this matter.” Dkt. No. 3-1 ¶ 183.

22 This Court approved the Third-Year Monitoring Plan in March 2015. Dkt. No. 196 at 10.  
23 The Court approved slight revisions to the Third-Year Monitoring Plan in July and October  
24 2015, including revisions relating to the Monitor’s plan for conducting such compliance reviews  
25 and audits. *See* Dkt. Nos. 223 (“Revised Third Year Monitoring Plan”) & 236.

With the Parties’ approval, the Monitor submits herein two additional, minor, proposed

1 revisions to the Third Year Monitoring Plan, which each will enable the Parties and the Monitor  
2 to complete the assessments with adequate input from some key stakeholders in this process and  
3 still in a timely manner.

4 Specifically, first, the Revised Third-Year Monitoring Plan called for the Monitor to  
5 assess the quality and processes of investigations conducted by the Office of Professional  
6 Accountability, and report on the same by December 14, 2015.<sup>1</sup> Dkt. No. 221-3 at 8 (referencing  
7 Consent Decree ¶ 167). Second, the Revised Third-Year Monitoring Plan called for the Monitor  
8 to assess the extent to which SPD's policing practices and community outreach are promoting  
9 public confidence in it and its officers, and report on the same by December 3, 2015.<sup>2</sup> Dkt. No.  
10 221-4 at 6 (referencing Consent Decree at 1).

11 The Monitor and the Parties have been working diligently and collaboratively on these  
12 two assessments. Earlier this year, the Community Police Commission ("CPC") notified the  
13 Monitor and the Parties that it too wished to provide input. Indeed, the Monitor and/or the  
14 Parties have been in regular contact with many community stakeholders, including the CPC,  
15 about the status of each assessment. The Monitor and the Parties seek additional time to file the  
16 assessments to receive additional input from these stakeholders.

17 At the same time, the Monitor and the Parties are hesitant to extend the deadlines for the  
18 assessments beyond those established by the Third Year Monitoring Plan. The Third Year  
19 Monitoring Plan currently contemplates all 15 assessments to be completed by the end of March  
20 2016.<sup>3</sup>

21 \_\_\_\_\_  
22 <sup>1</sup> The Third Year Monitoring Plan also provides that "if all of the Monitor, Department of Justice, and City of Seattle agree that a deadline  
23 extension for any of the assessments . . . is warranted, the deadline may be extended by an interval agreed to by each of the Monitor, Department  
of Justice, and City of Seattle not to exceed 15 days from the deadlines set forth" in the Plan. Dkt. No. 221-2 at 7. The Monitor and the Parties  
agreed to invoke this 15-day extension, such that the OPA Assessment is not due until December 29, 2015.

24 <sup>2</sup> On December 3, 2014, the Monitor advised the Court that it and the Parties had agreed to invoke this 15-day extension, such that the Public  
Confidence Assessment is not due until December 18, 2015. The present Memorandum now asks this Court leave to extend that deadline two  
weeks further.

25 <sup>3</sup> The Monitor and the Parties are in discussions about the timing of the remaining seven assessments. Any request to extend any deadline, if  
needed, will be brought before the Court.

1 Balancing these needs, the Monitor asks that the deadline for filing both assessments be  
2 extended by approximately **two weeks**, from the current deadline of December 29, 2015, to  
3 **January 15, 2016**.

4 The Monitor would add that it and the Parties have completed the first five (5) – fully  
5 one-third – of the assessments under the time frames contemplated in the Third-Year Monitoring  
6 Plan.

7 Because these modest extensions are consistent with the implementation of “a pragmatic  
8 [monitoring] plan that endeavors to set aggressive but realistic dates for compliance,” Dkt. 195 at  
9 10, the Monitor respectfully seeks the Court’s approval of the two updated deadlines described  
10 here.

11 DATED this 15th day of December, 2015.

12 

13 Merrick J. Bobb, Monitor  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF SERVICE

I certify that on the 15th day of December, 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:

J. Michael Diaz [michael.diaz@usdoj.gov](mailto:michael.diaz@usdoj.gov)  
Jonathan Smith [jonathan.smith2@usdoj.gov](mailto:jonathan.smith2@usdoj.gov)  
Kerry Jane Keefe [kerry.keefe@usdoj.gov](mailto:kerry.keefe@usdoj.gov)  
Michael Johnson Songer [michael.songer@usdoj.gov](mailto:michael.songer@usdoj.gov)  
Rebecca Shapiro Cohen [rebecca.cohen@usdoj.gov](mailto:rebecca.cohen@usdoj.gov)  
Emily A. Gunston [emily.gunston@usdoj.gov](mailto:emily.gunston@usdoj.gov)  
Puneet Cheema [puneet.cheema2@usdoj.gov](mailto:puneet.cheema2@usdoj.gov)  
Timothy D. Mygatt [timothy.mygatt@usdoj.gov](mailto:timothy.mygatt@usdoj.gov)  
Christina Fogg [christina.fogg@usdoj.gov](mailto:christina.fogg@usdoj.gov)  
Annette L. Hayes [annette.hayes@usdoj.gov](mailto:annette.hayes@usdoj.gov)  
Jean M. Boler [jean.boler@seattle.gov](mailto:jean.boler@seattle.gov)  
Peter Samuel Holmes [peter.holmes@seattle.gov](mailto:peter.holmes@seattle.gov)  
Brian G. Maxey [brian.maxey@seattle.gov](mailto:brian.maxey@seattle.gov)  
Gregory C. Narver [gregory.narver@seattle.gov](mailto:gregory.narver@seattle.gov)  
John B. Schochet [john.schochet@seattle.gov](mailto:john.schochet@seattle.gov)  
Rebecca Boatright [rebecca.boatright@seattle.gov](mailto:rebecca.boatright@seattle.gov)

DATED this 15th day of December 2015.

/s/ Jackie Slavik  
Jackie Slavik

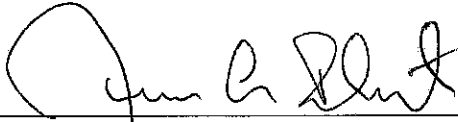


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

~~PROPOSED~~ ORDER

The Court hereby approves extending the deadline for the filing of the two assessments above to January 15, 2016.

DONE IN OPEN COURT this <sup>th</sup> 15 day of December, 2015,



THE HON. JAMES L. ROBERT  
UNITED STATES DISTRICT COURT JUDGE