

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

CITY OF INDIANAPOLIS,

*Defendant.*

No. 1:07-cv-897-SEB-TAB

**JOINT STATUS REPORT**

In accordance with the Court's February 4, 2010, order directing the parties to advise the Court, no later than February 19, 2010, of the parties' "intentions for the further handling of this cause and their positions as to the action that ought to be taken by the Court at this time," the parties jointly respectfully submit the following status report.

This action was brought by the United States against the City of Indianapolis, Indiana (the "City"), to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e, *et seq.* This Court had original jurisdiction of the action under 42 U.S.C. § 2000e-5, 28 U.S.C. § 1345 and 28 U.S.C. § 1331. This court retains jurisdiction of this matter to enforce the terms of the Consent Decree (the "Decree") entered on February 12, 2009 (Dkt. No. 30), which will dissolve, by its terms, on February 12, 2011.

Pursuant to the Decree, the City is enjoined from "engaging in or agreeing to any act or practice that discriminates on the basis of race or sex, in violation of Title VII, with respect to promotions in the Police Department; and . . . retaliating against, or in any way adversely

affecting the terms and conditions of employment of, any person because that person has engaged in practices protected under Title VII . . . .” *See* Decree at ¶ 13(a) & (b). The Decree further required that the City provide specific individual remedial relief to several claimants, including promotions, backpay, frontpay, and retroactive seniority. *See* Decree at ¶¶ 14-25. Finally, pursuant to an addendum entered simultaneously with the Consent Decree, the parties were required to meet and confer regarding the City’s compliance with Part III of the Decree, which, among other things, enjoins the City from violating Title VII with respect to promotions in the City’s police department. *See* Addendum at ¶ 14B (Dkt. No. 31).

On August 25, 2009, the parties conducted the required conference. During the conference, the City informed the United States that it has fully complied with the individual remedial relief required by the Decree and intends to develop new selection procedures for promotional positions in its police department. Consistent with the United States’ obligations under the Decree, the United States asked the City to provide it with information regarding the City’s proposed selection procedures, including any existing evidence of the processes’ validity, as well as any and all information relating to the validity strategy or strategies contemplated by the City for the selection processes at issue. The City has provided the United States with that information and continues to develop its new promotion process. Specifically, the City has convened the Mayor's Public Safety Personnel Diversity Taskforce to review hiring and promotional practices within the City's police and fire departments. The Taskforce’s membership represents a cross-section of the Indianapolis community, and they have met on several occasions to begin the review process. The City’s Police Department's Career and Leadership Development team ("CLD"), comprised of diverse members of the Police

Department, has prepared a recommendation on a new promotional process that will be introduced to the Taskforce in the next sixty (60) days. The City provided the United States with a preliminary copy of the CLD's recommendation. The City expects a full report from the Taskforce in the next 180 days. The United States has retained an expert to review the City's new processes as they are developed.

The Decree also requires that "[i]n the event that the United States and the City, as a result of that meet and confer," agree that Part III of the Decree needs to be modified to ensure the City's compliance therewith, the Parties must present to the Court for its approval any proposed modifications to the Decree. *See* Addendum at ¶ 14C (Dckt. No. 31). The United States does not propose any modification to Part III of the Decree. Moreover, as there are no current disputes concerning the implementation of the Decree, no action by the Court is presently required. Should the City or the United States have a dispute concerning the terms of the Decree or Addendum, or should the City fail to meet its obligations under the Decree, the parties will inform the Court. *See* Decree at ¶ 39 (the Court retains jurisdiction "for the purpose of resolving any disputes or entering any orders that may be appropriate to implement the terms or relief provided in this Decree").

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 19, 2010 a true and correct copy of this Joint

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