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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

CASE NO. C12-1282JLR

ORDER REGARDING
REVISIONS TO THE OFFICE OF
PROFESSIONAL
ACCOUNTABILITY MANUAL

Before the court is the memorandum of the Monitor recommending that the court approve the revised Office of Professional Accountability (“OPA”) Manual and two related policies known as Seattle Police Department (“SPD”) Manual Sections 5.002 and 5.003, which address non-retaliation and the reporting of misconduct. (Mem. (Dkt. # 256).) The court is inclined to approve the Manual and related policies subject to one alteration related to disciplinary appeals as more fully discussed below.

The appeals process for disciplinary proceedings is addressed on page ten of the proposed Manual in a box entitled “Appeal” (which is part of a graphic representation of

1 the complaint process) and on pages 44-45 under the heading “Appeals of Discipline.”
2 (*See* Mem. Ex. A (“Manual”) at 10, 44-45.) These sections provide that an employee
3 named in the complaint process may appeal any disciplinary decision involving
4 suspension, demotion, or termination to the Public Safety Civil Service Commission
5 (“PSCSC”) or through an alternative appeal process defined by the applicable Collective
6 Bargaining Agreement (“CBA”). (*See id.*) After thoroughly reviewing the Manual and
7 the Monitor’s memorandum, the court is inclined to approve the Manual subject to the
8 following caveat: Until such time as the court has entered final approval of the parties’
9 Settlement Agreement and Stipulated Order of Resolution, as modified on September 21,
10 2012 (*see* Dkt. ## 8, 13) (“Settlement Agreement”),¹ any alternative appeal process under
11 the CBA must be approved by the court prior to utilization of that alternative appeal
12 process by an SPD employee.

13 The court, however, seeks input from the parties and amicus curiae prior to its
14 approval of the Manual subject to the foregoing modification. Accordingly, the parties
15 and amicus curiae may file memoranda commenting on the court’s proposed
16 modification. The parties and amicus curiae shall submit any such memoranda within ten

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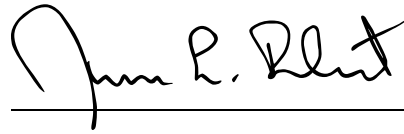
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21 ¹ The court will enter final approval of the parties’ Settlement Agreement after it
22 determines that the City has achieved full and effective compliance (as defined in paragraph 177
of the Settlement Agreement) and maintained such compliance for no less than two years. (*See*
12/21/12 Order (Dkt. # 13) at 6.)

1 days of the filing of this order. Following the court's review of these memoranda, if any,
2 the court will enter its order concerning the Manual and related SPD policies.

3 Dated this 20th day of January, 2016.

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6 JAMES L. ROBART
7 United States District Judge
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