

Resolution No. 31414

A RESOLUTION selecting a Monitor pursuant to the Consent Decree entered by the United States District Court in United States v. City of Seattle, United States District Court, Western District of Washington, Case No. 2:12-cv-01282-JLR.

Related Legislation File: _____

Date Introduced and Referred: <u>Oct. 22, 2012</u>	To: (committee): <u>Full Council for Introduction and Adoption</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>10.22.12</u>	Date Presented to Mayor: <u>—</u>
Date Signed by Mayor: <u>—</u>	Date Returned to City Clerk: <u>10.22.12</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Returned Without Concurrence:
Published in Full Text _____	

The City of Seattle – Legislative Department

Resolution sponsored by: Bryan A. Howell

Committee Action:

Date	Recommendation	Vote
<u>10/22/12</u>	<u>[Signature]</u>	<u>[Signature]</u>
	<u>[Signature]</u>	<u>[Signature]</u>

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>10.22.12</u>	<u>Adopted</u>	<u>8-1</u>
		<u>(No: O'Brien)</u>

CITY OF SEATTLE
RESOLUTION 31414

A RESOLUTION selecting a Monitor pursuant to the Consent Decree entered by the United States District Court in *United States v. City of Seattle*, United States District Court, Western District of Washington, Case No. 2:12-cv-01282-JLR.

WHEREAS, the City of Seattle is a defendant in the lawsuit filed by plaintiff United States of America, entitled *United States v. City of Seattle*, United States District Court, Western District of Washington, Case No. 2:12-cv-01282-JLR; and

WHEREAS, the United States District Court approved of and entered a Consent Decree, agreed upon by the parties, with the goal of ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety, and promotes public confidence in the Seattle Police Department (“SPD”) and its officers; and

WHEREAS, the Consent Decree consists of the Settlement Agreement and Stipulated Order of Resolution executed by the parties on July 27, 2012 as modified by the Stipulation and Order for Modification and for Entry of Preliminary Approval of the Parties’ Settlement Agreement and Stipulated Order of Resolution executed by the parties and entered by the Court on September 21, 2012; and

WHEREAS, the Consent Decree provides that the parties may jointly agree on a Monitor, who the Court may appoint as its agent to oversee the implementation of the Consent Decree; and

WHEREAS, the Consent Decree provides that if the parties agree on a Monitor, they must file a stipulated motion for approval of that monitor on or before October 26, 2012; and

WHEREAS, the City and the United States jointly solicited letters of interest from individuals and groups interested in acting as Monitor, and twenty-three applicants responded to the solicitation; and

WHEREAS, the City appointed a screening committee, comprised of representatives of the Mayor, City Attorney, the Budget Office and the Seattle Police Department, which selected nine first-round finalists from the original twenty-three applicants, who were requested to provide follow-up materials and to interview with the screening committee; and



1 WHEREAS, the City's screening committee recommended that five of the nine finalists be
2 interviewed by the Mayor's Office, interested Councilmembers, the City Attorney's
Office, and the Seattle Police Department; and

3 WHEREAS, of the five finalists recommended for further interviews, one voluntarily withdrew;
4 and

5 WHEREAS, the four remaining finalists were interviewed by the Mayor, the City Attorney, the
6 Chief of Police, Council President Clark, and Councilmembers Harrell, Burgess, and
Licata;

7
8 NOW, THEREFORE,

9 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

10 **Section 1.** The City Council affirms and supports the work our police officers do to
11 protect the people of Seattle, prevent crime, and hold accountable those who engage in criminal
12 behavior. We recognize the dangers our police officers face and we pledge our continued
13 support and to provide them with the resources they need to be effective in their work. We
14 believe strongly in Constitutional and effective policing and hope for an expeditious resolution
15 of the Consent Decree. We believe that a monitor who focuses on the outcomes desired by the
16 parties to the Consent Decree, including better community-police relations, will facilitate
17 compliance with the terms of the Decree.

18 **Section 2.** The City Council places high importance on the Monitor's ability to develop
19 and understand police use of force policies; early warning tracking systems to identify officers
20 with risk indicators; risk management of police misconduct; community and problem-oriented
21 policing models; and meaningful and successful monitoring plans.

22 **Section 3.** The City Council finds that Merrick Bobb has been monitoring and reviewing
23 law enforcement agencies for more than 20 years and has developed substantial expertise in
24



1 police use of force policies and practices, community and problem-oriented policing, and biased
2 policing.

3 Section 4. The City Council finds that Merrick Bobb has authored numerous publications
4 related to police accountability, effective policing practices, the development of effective
5 community relations, and community and problem-oriented policing and has also led the
6 development of the *National Guidelines for Police Monitors* (2008).

7 Section 5. The City Council has reviewed Merrick Bobb's experience and commitment
8 to police reform based on his work across the nation, including his review of the King County
9 Sheriff's Office, and finds that he possesses the qualifications and expertise necessary to serve as
10 the Court's Monitor and move the City toward rapid and effective compliance with the Decree.

11 Section 6. Attorneys for the United States have stated that they would agree with the
12 City to Merrick Bobb as the Monitor of the consent decree and, if the City agreed, would join in
13 a stipulation to the Court naming him as the Monitor.


14 Section 7. The City Council requests that the City Attorney advise and represent to the
15 Court and to the plaintiff, United States of America, in *United States v. City of Seattle*, United
16 States District Court, Western District of Washington, Case No. 2:12-cv-01282-JLR, that
17 pursuant to the Stipulation and Order for Modification and for Entry of Preliminary Approval of
18 the Parties' Settlement Agreement and Stipulated Order of Resolution, entered on September 21,
19 2012, the City agrees to the selection of Merrick Bobb as Monitor.

20 Section 8. The City Council further requests that Joe Brann be named as a member of the
21 Monitoring Team. Joe Brann is a nationally recognized police expert and the first Director of the
22 Office of Community Oriented Policing Services (COPS Office) in the Department of Justice
23 who served as a Special Master to the Court for the Cincinnati consent decree. He has been
24 advising the City and SPD since February 2012 on the City's response to the Department of
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1 Justice's findings. His participation on the monitoring team would provide continuity as well as
2 outstanding subject matter expertise and monitoring experience.

3 Adopted by the City Council the 22 day of October, 2012, and
4 signed by me in open session in authentication of its adoption this 22 day
5 of October, 2012.

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7 President _____ of the City Council

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10 Filed by me this 22 day of October, 2012.

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13 Monica Martinez Simmons, City Clerk

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15 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Tang/4-8804	N/A

Legislation Title: A Resolution selecting a Monitor pursuant to the Consent Decree entered by the United States District Court in United States v. City of Seattle, United States District Court, Western District of Washington, Case No. 2:12-cv- 01282-JLR.

Summary of the Legislation:

This resolution states the City Council's requests that the City Attorney advise and represent to the Court and to the plaintiff, United States of America, in United States v. City of Seattle, United States District Court, Western District of Washington, Case No. 2:12-cv-01282-JLR, that pursuant to the Stipulation and Order for Modification and for Entry of Preliminary Approval of the Parties' Settlement Agreement and Stipulated Order of Resolution, entered on September 21, 2012, the City agrees to the selection of Merrick Bobb as Monitor.

Background:

On July 27, 2012, the United States Department of Justice (DOJ) and the City of Seattle entered into a Settlement Agreement and Memorandum of Understanding filed with the United States District Court: Western District of Washington, related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States. The Settlement Agreement requires the Parties (the United States and the City of Seattle) to jointly select a Monitor by October 26, 2012, to oversee the implementation of the settlement agreement.

Please check one of the following:

This legislation does not have any financial implications.
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

The costs associated with funding the Monitor and other expenses associated with implementation of the DOJ settlement are included in the Mayor's proposed budget for the 2013-2014 biennium.

This legislation has financial implications.
(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
(If yes, explain them here.)

No.

- b) **What is the financial cost of not implementing the legislation?**

(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs.)

None

- c) **Does this legislation affect any departments besides the originating department?**

(If so, please list the affected department(s), the nature of the impact (financial, operational, etc), and indicate which staff members in the other department(s) are aware of the proposed legislation.)

Seattle Police Department.

- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

None

- e) **Is a public hearing required for this legislation?**

(If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned for the future?)

No

- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

(For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.)

No

- g) **Does this legislation affect a piece of property?**

(If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.)

No

- h) **Other Issues:**

List attachments to the fiscal note below:

STATE OF WASHINGTON – KING COUNTY

--SS.

290208

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

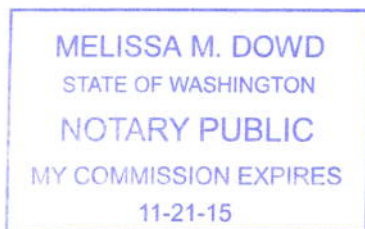
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:31414 TITLE ONLY

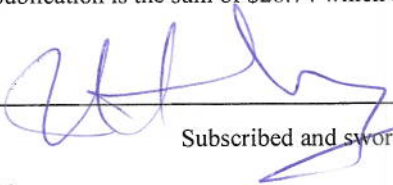
was published on

11/07/12


The amount of the fee charged for the foregoing publication is the sum of \$28.74 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

11/07/2012


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on October 22, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

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Date of publication in the Seattle Daily Journal of Commerce, November 7, 2012.

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