



U.S. Department of Justice

Civil Rights Division

JMS:TDM:MLL
207-82-1

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

May 23, 2012

Via E-mail and U.S. Mail

Peter S. Holmes
Seattle City Attorney
Seattle City Attorney's Office
600 4th Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4749

Re: Investigation of the Seattle Police Department

Dear Mr. Holmes:

We believe that there is a fair and just resolution of this matter that will meet the needs and concerns of the City, the United States, and the community. However, the positions taken by the City in negotiations are making settlement unlikely. While we appreciate that bargaining through incremental "moves" is a common negotiation strategy – this is not a common matter. The goal of this case is to accomplish essential reforms to the Seattle Police Department. Real solutions require a comprehensive approach, not piece meal bartering. In light of the City's position, we do not believe it is fruitful for the parties to meet at this juncture.

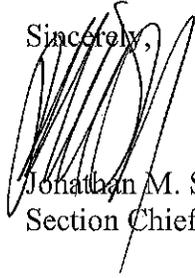
The United States provided you with a comprehensive and detailed proposal, and has continually expressed a willingness to consider alternative terms so long as they achieve the result of ensuring the delivery of police services that address the problems set forth in our report in a measureable and enforceable way. Indeed, the City has acknowledged, most recently in its "SPD 20/20," that the reforms we proposed in our draft consent decree are necessary. You have publicly endorsed a need for improved transparency, accountability, community outreach, training, and data collection and analysis.

We are willing to discuss alternatives to the approach we proposed in our draft consent decree. However, the City's proposal will not achieve reform that is measureable and enforceable. Instead, we have gone backwards. Having agreed to a consent decree and monitor in your counter proposal, the City now has proposed that all remedies, including those that address use of force, be covered in a memorandum of agreement that is not subject to court oversight and independent monitoring. Further, the City has not been willing to meaningfully address the omitted topics that were discussed during last week's negotiation sessions; and, rather, has indicated that it is "still reviewing" and would "try" to address them.

We approach this with a problem solving spirit and remain willing to engage in serious negotiations. However, in order for us to consider whether to continue negotiations next week,

we need the City to (1) commit to include all crucial provisions in a court-enforceable reform plan, and (2) have representatives at the table with authority to negotiate on all issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan M. Smith', written over the typed name.

Jonathan M. Smith
Section Chief

cc: Jenny Durkan
Kerry Keefe
Michael Diaz