

August 31, 2017

VIA EMAIL

Dear Chief O'Toole, Mr. Holmes, and Interim OPA Director Myerberg:

I send this letter on behalf of the CPC co-chairs.

We learned from press reports yesterday that the City entered into an agreement with former Seattle Police Officer Cynthia Whitlatch to settle the Disciplinary Review Board proceeding addressing misconduct relating to the July 2014 arrest of William Wingate. Chief O'Toole dismissed Officer Whitlatch in 2015.

We understand that, under the terms of the settlement, Ms. Whitlatch will have her termination record changed to "retirement-in-lieu of termination" so that she is eligible for her pension; she will receive some back pay; all sustained findings of misconduct will remain in place; and Ms. Whitlatch has agreed to not apply in the future for any jobs with the City or in commissioned law enforcement.

Assistant City Attorney Paul A. Olsen provided us yesterday a helpful explanation of the reasons the City deems the settlement to be in its best interests.

As you're no doubt aware, there is significant community interest in this case, particularly as the initial dismissal of Officer Whitlatch was widely reported, as was Chief O'Toole's justification for that outcome. If there are legitimate reasons consistent with police accountability principles for the back pay agreement and for resignation in lieu of termination, it is important that those reasons be made clear to the public. There have been longstanding issues with initial discipline being adjusted after appeal in a way that undermined the transparency and legitimacy of the initial discipline process. For that reason, making sure that post-discipline appeals outcomes are publicly understood was a priority for the CPC in our 2014-2017 accountability reform recommendations.

As you know, one of the CPC's responsibilities is to review closed Office of Police Accountability (OPA) investigations to identify opportunities to systemic improvements in police accountability. To discharge this duty, it is crucial for the CPC to gain a full understanding of how the accountability system functioned with respect to Officer Whitlatch's misconduct from start to finish so the CPC may identify whether there were any failures in the system that could be repeated in future cases.

In accordance with Ordinance 125315, subsections 3.29.360.H and 3.29.380.A, we request production of files in the possession of the Seattle Police Department (SPD), OPA, and the City Attorney's Office related to the OPA investigation, recommended findings, final findings, appeal, and settlement relating to the Whitlatch case.¹

¹ As addressed in the OPA and SPD responses to the OPA Auditor's April 3, 2014 "Special Review of Disciplinary Procedures," this should be an integrated record of the misconduct investigation, proceedings regarding misconduct findings and the imposition of discipline, and any post-disciplinary appeals proceedings, with the exception of limited confidential materials held by Human Resources.

Under the same authority, we request all SPD, OPA, and CAO documents and files related to the OPA investigation of supervisors or command staff who failed to appropriately report Officer Whitlatch's apparent misconduct to OPA, and any recommended findings, final findings, and records pertaining to any discipline imposed with respect to those supervisors, or the reason discipline was not imposed.²

We also request a meeting with the Chief of Police, the City Attorney, or their representatives to discuss the course of the investigation, constraints that the City faced in litigating the DRB proceeding, systemic issues that contributed to the outcome, and opportunities for improvement in the accountability process. We are not making this request of Interim OPA Director Myerberg as we understand that OPA does not decide the resolution of post-disciplinary appeals, but we appreciate OPA's assistance in providing records we would need to review prior to the requested meeting with the Chief and City Attorney or their representatives.

Please contact me if you have any questions regarding these requests.

Sincerely,

A handwritten signature in black ink that reads "Fé Lopez". The signature is written in a cursive, flowing style.

Fé Lopez
Executive Director
Seattle Community Police Commission

CC:
Seattle City Council
Paul Olsen, Assistant City Attorney, City Attorney's Office
Brian Maxey, Chief Operating Officer, Seattle Police Department
Francisco Rodriguez, Interim OPA Auditor
Michael Edwards, President, Seattle Police Management Association
Kevin Stuckey, President, Seattle Police Officers' Guild
Seattle Community Police Commission

² See footnote 1.