



OUR CITY. OUR SAFETY. OUR POLICE. BETTER TOGETHER.

For immediate release
January 17, 2019

CPC statement on the delayed release of ruling to reinstate SPD officer following disciplinary appeal

The City of Seattle has been working for nearly seven years under a Consent Decree to rebuild trust and confidence between the police and the community. [The report in The Seattle Times](#) on Monday that the Seattle Police Officer's Guild (SPOG) may have worked with City officials to delay the public release of the ruling in [the excessive force case involving Adley Shepherd](#) until after the City Council's vote to ratify the SPOG contract threatens to critically undermine the progress the City has made.

According to the report, the disciplinary appeal ruling that ordered the City to reinstate Officer Shepherd was issued before the City Council's vote to ratify the SPOG contract and before the City and the Department of Justice appeared in front of Judge Robart for a status conference about the Consent Decree. That ruling was information the public, Councilmembers and the Federal Court should have been immediately apprised of, since it was directly related to the contract.

As the Community Police Commission has pointed out, the loss of reforms to the disciplinary appeals process were a key part of the roll-backs in the SPOG contract. Those reforms were designed to address the very issues that occurred in this ruling.

They had been recommended because of prior cases the community had experienced and were adopted unanimously by the City Council. So the fact that a ruling had been issued using the kind of disciplinary appeals decision-making that was supposed to be ended but was instead kept in the new contract was critically important information for the public, the City Council, and the Court to know.

NOTE: For more background on the significance of the Shepherd case and the SPOG contract's step back from the reforms to disciplinary appeals embodied in the 2017 Accountability Ordinance, see the attached information sheet.

It was an arbitrator, as part of the Disciplinary Review Board (DRB), who was the crucial vote that ordered the City to reinstate Shepherd. Despite the fact the new SPOG contract adopted the reform of

eliminating the DRB, as the CPC had recommended and the accountability ordinance mandated, the contract did not keep the reform of no longer allowing officers to choose an alternative route of arbitration, with arbitrators authorized to substitute their judgment for the Chief's, and hearings that bar the public and the media.

This case is yet another example of why those reforms should have been followed through on as promised.

If a decision was made by some City officials and SPOG to keep the public, elected officials and oversight entities from learning about the ruling until after the City Council's vote to ratify the SPOG contract, it is enormously damaging to the community's faith in the police reform process. City leaders must determine what occurred, take steps to ensure it doesn't happen again, and work to repair the damage already done.

About the Community Police Commission:

The CPC listens to, amplifies, and builds common ground among communities affected by policing in Seattle. We champion policing practices centered in justice and equity. The CPC is independent and led by volunteer commissioners.

More background

Based on a special review conducted in early 2014 of the City's police disciplinary system, the CPC in 2014 had recommended the elimination of the Disciplinary Review Board – the entity that made the ruling in Adley Shepherd's case. That change was then mandated by the Accountability Ordinance unanimously adopted by the City Council in June, 2017.

The CPC also recommended – and the ordinance also mandated – that disciplinary appeals hearings be held by a commission and hearing examiner with subject matter expertise who are appointed based on merit to fixed terms, and who must use a standard of review that does not substitute an arbitrator's judgment for that of the Chief.

Also recommended by the CPC and mandated by the ordinance, was that officers no longer have multiple routes to appeal and that disciplinary appeals hearings be open to the public, complainants and the media. None of that occurred in this case, and the contract ratified by the City just after this ruling occurred did not maintain any of these reforms.

That special disciplinary system review conducted in 2014 also recommended much greater transparency for the public and policymakers regarding challenges to disciplinary decisions made by the Chief. Those recommendation stemming from that report, endorsed by the CPC, and mandated by the accountability ordinance that took effect in June 2017, also required:

"Each year the City Attorney's Office shall provide the OPA Director and Inspector General with two status reports, one covering the period from January 1 to June 30 and one from July 1 to December 31, regarding (a) all OPA cases in which the findings or discipline have been appealed during the previous six months and (b) all OPA cases in which the findings or discipline have been appealed in earlier periods and that remained open at any time during the current reporting period. These status reports shall include all OPA cases not yet closed due to appeal, the case number, the named employee or employees, the date of complaint, the date of disciplinary action, the Chief's disciplinary decision, the date of appeal, the nature of the appeal, and the current status of the case, including any modification to the case disposition as a result of appeal."

"If the Chief decides not to follow one or more of the OPA Director's written recommendations on findings following an OPA investigation, the Chief shall provide a written statement of the material reasons for the decision within 30 days of the Chief's decision on the disposition of the complaint. ...The written statement shall be provided to the Mayor, the Council President and the Chair of the public safety committee, the City Attorney, the OPA Director, the Inspector General, and the CPC Executive Director, and be included in the OPA case file and in a communication with the complainant and the public. *If any findings or discipline resulting from an investigation are changed pursuant to an appeal or grievance, this responsibility shall rest with the City Attorney.*"