

EXHIBIT I

Seattle Police Department's Discipline and Appeals Process

Comparison: SPOG Collective Bargaining Agreements

	2010-2014 SPOG CBA	2015-2020 SPOG CBA
Disciplinary appeal avenues	Disciplinary Review Board (DRB) or Public Safety Civil Service Commission (PSCSC)(3.5.H)	Arbitration or PSCSC (14.1)
Arbitrator selection	Arbitrator (neutral member of DRB) selected from a pool of 5 identified arbitrators (App. E.V.).	Process for creating pool created by sharing a list of 10 arbitrators, keeping agreed names, allowing each party to strike 2 names from other party's list. List randomized and then limited strike options for each case. (14.F).
Arbitration hearing record	None	Hearings to be audio recorded, with transcript costs born by requesting party or split evenly (14.11).
Quantum of proof in arbitration	Not addressed, apart from dishonesty (3.1).	"Established principles of labor arbitration" for all cases, including "elevated standard" when termination for stigmatizing reasons (3.1).
Dishonesty	Presumption of termination; provable by clear and convincing evidence (3.1)	Presumption of termination; provable by standards used in labor arbitration (3.1)
Suspension (pre-investigation)	Allowed when employee accused of felony (3.3)	Allowed when employee accused of felony or a gross misdemeanor involving moral turpitude, sex crime, or bias crime when termination possible (3.3)
Civilians in OPA	None	Two civilians replace sergeants, with specified procedures for replacement and transfer (App. D).
Loudermill notice timing	None	Employee to be provided notice of Loudermill right within 10 days of disciplinary decision (3.5.A).
Loudermill hearing date	None	Loudermill hearing should occur within 30 days, but can be extended by agreement (3.5.F).
Loudermill attendees	No provision	Representatives from OIG and City Attorney's Office may attend (3.5.D).
Post-Loudermill timeline	None	Chief must make a good-faith effort to make a decision within 10 days of Loudermill hearing (3.5.F).
180-day deadline, Post-Loudermill	No provision	60 days added to 180-day deadline when OPA investigates further as a result of

		information obtained in Loudermill hearing (3.5.F).
Notice of OPA investigation	5-day notice to employee of complaint; 30-day classification report (3.6.A).	Retain 5- and 30-day system; enumeration of classification report contents, including identification of policies at issue and description of alleged actions by employee (3.6.A).
Attendance at OPA interviews	Limited to employee, Guild representative, two OPA investigators, and one OPA command staff member (3.6.F.5).	Expanded to include OPA Director, OPA Lieutenant and Captain (or civilian replacement), and OIG representative (3.6.F.5).
180-day deadline— Initiation	<p>Either—</p> <ul style="list-style-type: none"> • Date complaint received by OPA, or • Date supervisor becomes aware of misconduct (3.6.B and Memorandum of Agreement) 	<p>Earliest of—</p> <ul style="list-style-type: none"> • Receipt/initiation of a complaint by OPA; • Receipt/initiation of a formal complaint by a sworn supervisor alleging facts that, if true, could without more constitute a serious act of misconduct violation, as long as the supervisor forwards the matter to OPA within forty-eight (48) hours of receipt. For cases of less than serious acts of misconduct, the 180 Start Date will begin with the receipt of information where the supervisor takes documented action to handle the complaint (for example a documentation in the performance appraisal system); • For incidents submitted to the Chain of Command in Blue Team (or its successor), fourteen (14) days after the date on which the initial supervisor submits the incident for review to the Chain of Command; • OPA personnel present at the scene of an incident; or • If the Office of the Inspector General (OIG) is present at the scene of an incident at which OPA is not present, and if OIG subsequently files a complaint growing out of the incident, the date of the incident. (3.6.B)

180-day deadline—re-initiation	None	For serious misconduct, 180-day timeline begins with discovery of newly discovered material evidence (3.6.B).
180-day deadline—requests for extension	Requests for extension not to be unreasonably denied if delay caused by— <ul style="list-style-type: none"> • Witness unavailability • Other reasons beyond SPD’s control (3.6.C.1) 	Requests for extension not to be unreasonably denied if delay caused by— <ul style="list-style-type: none"> • Witness or named employee unavailability • Vacancy in OPA Director position • Unavailability of Guild representative • Complex criminal investigation • Other reasons beyond SPD’s control (3.6.C.1)
180-day deadline—OPA requests for extension	None	OPA may request extension(s) (3.6.F.2, 3).
180-day deadline—recalculation	None	For complaints by community members, 180-days may be recalculated in cases of serious misconduct (Type II use of force, bias, pursuit violations) that should have been identified by chain of command (3.6.D).
Deadline in cases of criminal conviction	Within 45 days of conviction (3.6.B)	Within 45 days of judicial acceptance of plea or sentencing (3.6.B).
Limitations period	Three years (3.6.G)	Four years (3.6.G)
Access to OPA files	Limited to specified individuals and groups (3.6.H).	Access expanded to include OIG, Deputy Chiefs, City Attorney’s Office, and CPC (closed files only) (3.6.H).
OPA file logs	OPA to retain records of OPA file removal (3.6.I).	OPA to use IA-Pro to retain records of file access (3.6.I).
OPA file retention	All case files retained for three years after investigation, unless pending legal proceedings make it appropriate to retain longer (3.6.L).	Files in sustained cases retained for duration of employee’s career plus 6 years. Files in not-sustained cases retained for 3 years in addition to current year. OIG may retain not-sustained files if de-identified. (3.6.L).
Conduct of criminal investigations	OPA to determine specialty unit for criminal investigations (3.7).	Chief determines specialty unit for criminal investigations, may refer to outside agency in cases of conflict and other unusual circumstances (3.7).

OPA role in criminal investigations	No involvement (3.7)	OPA may communicate about status, but will not direct or influence criminal investigations (3.7).
Frontline investigations	None	Procedures established for minor policy violations investigated by chain of command (3.8).
Mediation	Voluntary mediation program established (3.10)	Mediation process modified to better articulated commitment to mediation; inquire regarding officer's interest in mediation at outset of case; tolling of 180-day deadline (3.10).
Rapid Adjudication	None	Rapid Adjudication pilot program established (3.11).
EEO investigations	None	EEO investigation responsibilities and procedures enumerated (3.12).
Performance-based transfers	None	Procedure for performance-based transfers established (7.4.4).
Secondary employment	Permitted, subject to 1992 terms and conditions (7.9)	Same, but with reopener allowing bargaining of changes mid-contract (7.9).
Disciplinary arbitration timeline	Arbitration to occur within 90 days of referral to American Arbitration Association (14).	Arbitration within 90 days of receiving potential hearing dates from arbitrator, requests for extension not unreasonably denied (14).
Arbitrator selection	Arbitrator (neutral member of DRB) selected from a pool of 5 identified arbitrators (App. E.V.).	Process for creating pool created by sharing a list of 10 arbitrators, keeping agreed names, allowing each party to strike 2 names from other party's list. List randomized and then limited strike options for each case. (14.F).
Arbitration hearing record	No provision	Hearings to be audio recorded, with transcript costs born by requesting party or split evenly (14.11).