

BEFORE THE PUBLIC SAFETY CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE

In the matter of the Appeal of) )  
GREGORY DRURY ) ) FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

I. INTRODUCTION

This matter came before the Public Safety Civil Service Commission (Commission) in the appeal of Gregory Drury (Appellant) from his discharge by the City of Seattle Police Department (Department).

1.1 Appearances.

1.1.1 Appellant. The Appellant was represented by John Henry Browne of Browne, Ressler and Jones.

1.1.2 Department. The Department was represented by James Pidduck, Assistant City Attorney.

1.1.3 Commission. Daniel Oliver, Chairman; Maura O'Neill and Arthur Joyner, Commissioners; Dallas Shockley, Secretary and Chief Examiner.

1.1.4 Witnesses. Witnesses for the Department were: Chief Patrick Fitzsimons, Sergeant Gerald Bickford, Captain Billy Wright, Associate Legal Advisor Fred Treadwell, and Assistant Chief David Grayson; Witnesses for the Appellant were: Chief of Police Robbin Rhoads of the Quinault Indian Tribe, Detective Dennis Hossfeld, Sergeant Richard Schweitzer, Lieutenant Gerald Taylor, Sergeant Daniel Beste, Lieutenant Gene Hunt, Major Jim Deschane, and the Appellant.

1.2 Proceedings.

By notice dated November 17, 1989 and effective November 21, 1989, Officer Gregory Drury was discharged from his employment with the Department for violation of Manual Section 1.08.010 (Misuse of Authority), 2.09.407 (1)(3) and 2.09.070 (Violation of Rules/Regulations) and 1.08.030 (Violation of Law).

1.3 Summary of Positions.

1.3.1 Appellant. Mr. Drury contends that his termination by the Seattle Police Department was inappropriate, and not supported by the evidence or the procedures utilized during the termination process.

Specifically, the Appellant contends that he did not assault Phillip Hicks; that he did violate the rules and regulations of the Department by transporting Mr. Hicks without following appropriate procedure; that the internal investigation done in the case was incomplete, incompetent and biased; that the

internal review by the Police Department was procedurally flawed, and that the discipline imposed was disproportionate to discipline imposed in other cases.

1.3.2 Department. The Department asserts that the Chief of Police, Patrick Fitzsimons, acted in good faith in discharging the Appellant for the reasons stated.

The Department filed a motion for a directed finding of assault requesting that the Commission give preclusive effect to the Appellant's Seattle Municipal Court assault conviction and the Superior Court decision affirming the conviction.

The Department further asserts that its internal investigation and internal review were complete, fair and unbiased, and that the discipline imposed was appropriate.

1.4 Commission. Having considered the hearing record in this matter, including the credibility of witnesses and exhibits presented to us, and the arguments of the parties, and pursuant to our authority under Article XVI of the City Charter and Chapter 4.08 Seattle Municipal Code, we enter the following:

## II. FINDINGS OF FACT

2.1 Department. The Department is organized into four Bureaus. There are four precinct stations: North, South, East, and West.

Ranks within the Department include assistant chief, major, captain, lieutenant, sergeant, and officer.

2.2 Appellant. Officer Drury was first employed by the Department on November 5, 1985. On August 27, 1988 Officer Drury was assigned to patrol in the D Sector of the West Precinct. He was accompanied by his partner, Officer Jose Cepeda.

2.3 Phillip Hicks. While on duty at the 100 Block of Pike Street, Officers Drury and Cepeda confronted a civilian, Phillip Hicks, who they contended was drinking from a large bottle of beer. Mr. Hicks was handcuffed, taken to the officers' automobile and transported out of the sector to Port of Seattle property south of the Kingdome and released. While on the way to the destination and prior to his release, Mr. Hicks was physically assaulted by Officer Drury. Officers Drury and Cepeda failed to follow Department rules and regulations in transporting Mr. Hicks.

2.4 Internal Investigation. Mr. Hicks reported his assault to the Department's Internal Investigations Unit. Following its investigation, a criminal complaint was filed on January 11, 1989 against Officer Drury in Seattle Municipal Court.

2.5 Trial and Conviction. Officer Drury was tried and found guilty of assault on March 22, 1989 in Seattle Municipal Court.

2.6 Appeal. On June 9, 1989 Officer Drury appealed his Municipal Court conviction to King County Superior court. On April 9, 1990 the King County Superior Court affirmed Appellant's conviction.

2.7 Disciplinary Hearing Panel No. 2. Following internal line staff review of Officer Drury's IIS file, he was notified of intended discipline (discharge) by Assistant Chief William Kramer and requested a hearing before a Disciplinary Hearing Panel No. 2. The hearing was held on September 28 and 29, 1989.

On October 6, 1989 the panel issued its report to Chief Fitzsimons in which it recommended that Officer Drury be discharged.

As previously noted, Officer Drury was discharged effective November 21, 1989.

### III. CONCLUSIONS OF LAW

3.1 Gregory Drury is a civil service employee with the rank of police officer. The Commission has jurisdiction over the subject matter of and the parties to this action.

3.2 The notice and appeal to this Commission have been brought by the respective parties in a timely fashion.

3.3 Pursuant to the City Charter and Ordinance (SMC 4.08.100) the tenure of every person holding civil service employment shall be only during good behavior and acceptable performance. Police officers may be suspended, or discharged only for cause.

3.4 The Department's internal investigation, internal review, and Disciplinary Hearing Panel were complete, fair and unbiased.

3.5 The decision of the Chief to discharge Officer Drury was made in good faith. The Chief articulated two bases for the action undertaken. Either one comprised good cause for disciplining Officer Drury.

3.6 Based on the independent determination of the Commission, although there was good cause for the imposition of discipline against Officer Drury, the discipline imposed was inconsistent and not proportionate in relation to similar disciplinary incidents occurring in the past history of the Department.

### IV. ORDER

4.1.1 Gregory Drury is hereby restored to duty in the classification of police officer at the pay grade he held at the time of discharge effective the date of this order and suspended for a period of thirty days.

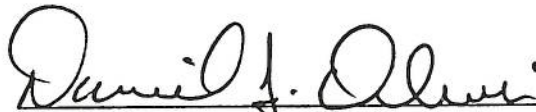
4.1.2 Gregory Drury shall serve as a probationary employee for one year from the date of this order.

4.1.3 Gregory Drury shall be retrained regarding Department rules and regulations pertaining to the arrest and transportation of suspects.

4.2 Any appeal from this decision shall be taken in the manner prescribed by law.

Signed at Seattle, Washington this Eighteenth day of May, 1990.

PUBLIC SAFETY CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE



Daniel Oliver, Chairman



Maura O'Neill, Commissioner



Arthur Joyner, Commissioner