

# **OPD SKELLY PRESENTATION**

**COMMUNITY POLICE REVIEW AGENCY (CPRA)**

**FEBRUARY 24, 2026**

## SUMMARY OF TOPICS

- What is A Skelly Hearing?
- The Purpose of A Skelly Hearing
- The Role of A Skelly Officer
- If A Hearing Is Requested
- Hearing Procedures
- Written Hearing Decisions
- Final Hearing Decision
- OPD Skelly Status Report
- CPRA Proposals
- Questions?

## **What is A Skelly Hearing?**

A Skelly hearing is a due process procedure required in California for public employees facing significant disciplinary actions, allowing them to respond to proposed discipline before it is finalized.

## The Purpose of A Skelly Hearing

A Skelly hearing is a designed to ensure that public employees have the opportunity to contest disciplinary actions that could affect their employment status, such as, termination, suspension or demotion.

- This process is rooted in the 1975 California Supreme Court case *Skelly v. State Personnel Board*, which established the right to pre-deprivation due process for employees with a property interest in their jobs. (See [California Statewide Law Enforcement Association](#))

# Key Features of A Skelly Hearing

## Notice of Proposed Discipline:

- Employees must receive a clear notice detailing the proposed disciplinary action, including the specific allegation(s) and evidence against them.

## Opportunity to Respond:

- Employees are entitled to respond to the proposed discipline, either verbally or in writing, before any final decision is made. This allows them to present their side of the story and any mitigating factors.

## Key Features of A Skelly Hearing (Cont.)

### Impartial Review:

- The hearing is conducted by a Skelly officer, who is expected to be impartial and uninvolved in the underlying facts of the case. This officer evaluates whether there are reasonable grounds for the proposed discipline.

### Not A Formal Hearing:

- It's important to note that a Skelly hearing is not a formal trial; rather, it is an informal administrative proceeding aimed at ensuring fairness and due process.

## **Who Is Entitled to A Skelly Hearing?**

Typically, permanent public employees who have completed their probationary period and possess a pro party interest in their employment are entitled to a Skelly hearing. This includes employees of state, county, and municipal entities, as well as some special districts. However, not all employees or disciplinary actions qualify for this process, particularly minor reprimands or short suspensions.

## The Role of A Skelly Officer

In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194 (*Skelly*), the California Supreme Court ruled that as part of due process, public employees are entitled to certain procedural safeguards before discipline is imposed against them. These include:

- (1) notice of disciplinary action proposed to be taken;
- (2) a statement of the reason for the disciplinary action.

## **If A Hearing Is Requested, the Hearing Officer is Selected by City**

- Must be a “reasonably impartial and non-involved reviewer.”
- Must not have been involved in the incident or investigation.
- Must have no personal relationship with those involved in incident.
- Best if not in chain of command of the accused officer.
- Sometimes a City employee or independent contractor.

## Procedures Set by Skelly Hearing

- No right to bring live witnesses.
- No right to cross-examine.
- Absolute right to see the materials the employer reviewed in reaching the decision.
- Absolute right to present any other material the employee thinks is important.
- Not so much a hearing as a conference.
- Member - one representative only.
- Member/representative may not cross examine the City's attorney or hearing officer.
- Member is entitled to evidence on which charges are based – no continuances to ask for materials other than the report.
- Written decision issued later by hearing officer.

## Written Hearing Decisions

- Hearing Officer reports to City their thoughts, case merits, and recommended decision on what to sustain and what penalty to impose.
- Chief of Police and CPRA ED sign off on report and decide whether to adopt recommended decision.
- *But* if went to Discipline Committee, then they perform this final step. OPD Skelly Status Report.

## Final Hearing Decision

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graph TD; A[Final Hearing Decision] --> B[Discipline imposed, if any.]; A --> C[Chief of Police notifies Officer ASAP of same.]; A --> D[Officer can appeal at an arbitration but still suffers the penalty in the meantime.];
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meantime.

**OPD  
DISCIPLINE  
CASES  
(As of February  
2026)**

**PENDING ARBITRATIONS**

<b>Case Number</b>	<b>Assigned to</b>
1. 17--	
2. 18--	
3. 18--	
4. 19--	
5. 19--	
6. 19--	
7. 20--	
8. 23--	

**ADMINISTRATIVE LEAVE**

<b>IAB Case Number</b>	<b>Employee</b>	<b>Date of Leave</b>	<b>Pending Skelly or Investigation</b>
1. 23-			
2. 24-			
3. 24-			
4. 23-			
5. 24-			
6. 23-			
7. 24-			
8. 24-			
9. 25-			
10. 25-			
11. 25-			
12. 25-			
13. 25-			
14. 25-			
15. 25-			
16. 25-			
17. 25-			
18. 26-			

**OPD  
DISCIPLINE  
CASES  
(As of  
February 2026 -  
Cont.)**

**NON-TERMINATION SKELLY REPORTS DUE**

Case #	Hearing Date	Hearing Officer	Due Date
1. 20-			
2. 20-			
3. 20-			
4. 20-			
5. 20-			
6. 20-			
7. 20-			
8. 21-			
9. 22-			
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**OPD  
DISCIPLINE  
CASES  
(As of February  
2026 - Cont.)**

42. 24-				
43. 23-				
44. 23-				
45. 23-				
46. 23-				
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48. 24-				
49. 24-				
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80. 25-				

## CPRA PROPOSAL

CPRA manages assignment of Skelly cases.

Retain 4-6 independent counsel to serve as Skelly Officers.

Returns to council once backlog is reduced to 20 cases.

# Questions?

