

# Judge denies city of Washougal's appeal of officer's reinstatement

## He was fired for hitting mentally ill man

By **Paris Achen**, Columbian courts reporter

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Washougal police Officer Robert Ritchie takes the witness stand during his assault trial March 14 in front of Clark County District Judge Sonya Langsdorf. (Photo by [Zachary Kaufman \(/staff/zachary-kaufman/\)](#) [Buy this photo \(/photos/2013/sep/05/71402/\)](#))

A Clark County judge has denied the city of Washougal's appeal of an arbitrator's decision to reinstate a police officer convicted of assaulting a mentally ill man restrained in the back of his patrol car in July 2012.

In a written opinion released Wednesday, Superior Court Judge John Nichols said the arbitrator abided by the law and the confines of the collective bargaining agreement between the city and its police force. As a result, Nichols doesn't have the jurisdiction to consider whether the arbitrator's decision to reinstate police Officer Robert E. Ritchie is "arbitrary and capricious," as the city alleged.

"We're gratified," said Jaime Goldberg, Ritchie's attorney. "We obviously think it was a good decision. ... I thought the judge followed what we think is Washington law."

Washougal City Administrator David Scott said the city is still evaluating their options for what to do next.

"We disagreed with the arbitrator's decision," Scott said. "However, this decision is really out of our hands, so we have to evaluate our options."

One option would be to appeal the decision to the Washington Court of Appeals, Goldberg said.

"The ball is in their court," Goldberg said.

Ritchie was terminated from his job in September 2012 for violating the Washougal Police Department's use of force policy when he repeatedly punched Tyler Lampman, 26, after Lampman spat on him.

Arbitrator Ronald L. Miller concluded on Aug. 16 that the termination was too harsh a punishment for Ritchie, given the officer's 28 years of service with the department. He ordered that the city reinstate Ritchie to his job on Sept. 9.

Instead of termination, Ritchie's year without employment and pay — the equivalent of a one-year disciplinary suspension — would suffice as punishment for the officer's misconduct, Miller said.

## Administrative leave

The city placed Ritchie on paid administrative leave, beginning Sept. 9, pending the result of the appeal. Scott said the city has not yet decided whether to keep him on administrative leave.

Lampman, who has schizophrenia, was arrested July 1, 2012, on suspicion of domestic violence against his mother and brother. His mother said he hadn't been taking his medications.

Washougal police officers placed Lampman in Ritchie's patrol car to be transported to jail. When Ritchie got into the driver's seat, Lampman began banging his head against the transparent thermoplastic screen between the front and back seats.

Concerned about Lampman's safety, Ritchie said, he got out of the vehicle and opened the door to the back passenger seat to try to stop Lampman from hurting himself. He placed his hands on Lampman's chest to prevent him from banging his head, and Lampman spat on his face. Ritchie responded by punching Lampman in the face two times, while Lampman was still handcuffed and restrained in a seat belt.

## Union support

The city terminated Ritchie on Sept. 12, 2012, after an internal and an external investigation found, respectively, that Ritchie had violated the department's use of force policy and the law.

Ritchie appealed his termination to an arbitrator, per his union's collective bargaining contract.

The Washougal Police Officers Association of nearly 20 members voted in favor of the appeal and provided Ritchie with Goldberg to represent him in his appeal. Goldberg also defended Ritchie against the criminal charge.

Meanwhile, Ritchie's criminal charge worked its way through the justice system. Clark County District Court Judge Sonya Langsdorf convicted him in March of gross-misdemeanor fourth-degree assault for striking Lampman. He was sentenced to two days of house arrest, a \$100 fine and two years of bench probation.

The city appealed the arbitrator's decision Aug. 29 because officials believed keeping Ritchie on the force would jeopardize the public's sense of security and create a liability for the city.

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