



**Seattle Office of  
Police Accountability**



# 2018 Annual Report

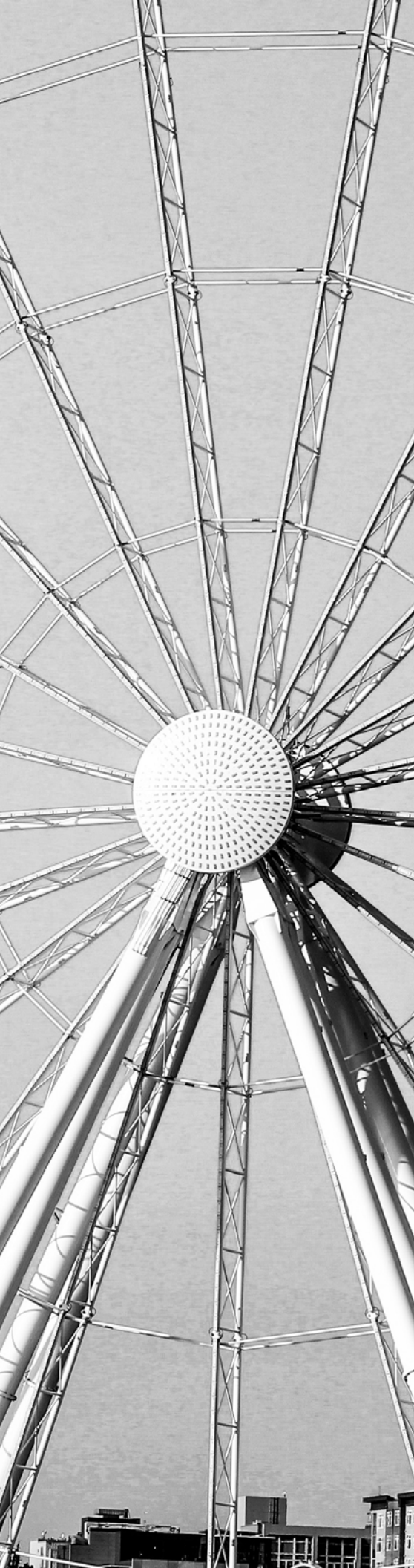
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**Office of Police Accountability**

**Director Andrew Myberberg**

April 2019

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# KEY FINDINGS



**Total Complaints**  
1,172



**New Civilian  
Positions Created**  
5



**Complaints  
Investigated**  
10% increase  
from 2017



**Locations with  
Most Complaints**  
Capitol Hill  
Pioneer Square



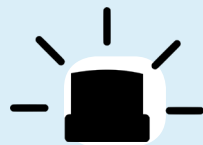
**Most Common  
Allegations**  
Use of Force  
Bias-Free Policing



**Investigations with  
1+ Sustained Finding**  
21%



**Investigations  
Completed on Time**  
94%



**Serious Force  
Investigations  
Monitored**  
28



**Policy & Training  
Recommendations**  
30

# ABOUT OPA

## Vision, Mission, & Values

OPA's **vision** is to safeguard a culture of accountability within the Seattle Police Department (SPD).

OPA's **mission** is to ensure the actions of SPD employees comply with law and policy by conducting thorough, objective, and timely investigations, recommending improvements to policies and training, and engaging in collaborative initiatives that promote systemic advancements.

OPA's **values** guide employee conduct and organizational culture in the pursuit of the OPA mission. See box below.

## Values

### Independence

- Make decisions based on consistent application of facts, policies, and laws
- Maintain neutrality and exercise impartial judgement
- Ensure all viewpoints are heard and respected

### Transparency

- Maintain honest and open communication with all stakeholders
- Communicate process, reasoning, and conclusions
- Remain accountable to vision, mission, and values, both internally and externally

### Collaboration

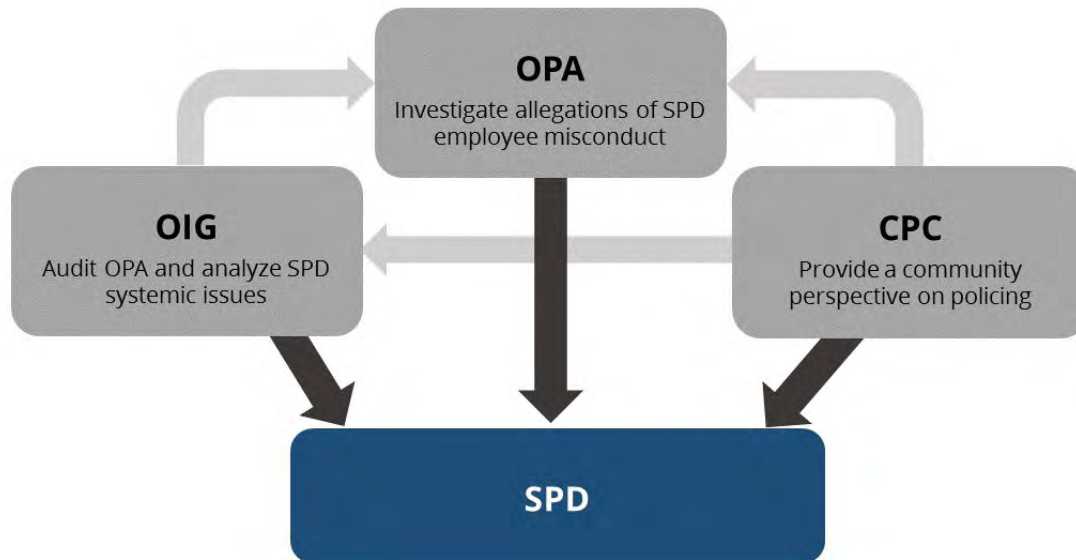
- Build meaningful and cooperative working relationships
- Solicit and value the community's perspective and expertise
- Work with system partners to advance accountability and improve SPD policies and training

### Innovation

- Set the national standard for police oversight agencies
- Explore ways to improve processes and services
- Use data and research to drive decision making



Figure 1: Seattle Police Accountability System



## Seattle Police Accountability System

The City of Seattle began civilian police oversight in 1992 with the establishment of a civilian auditor to independently review SPD internal investigations. The City then extended this oversight in 2002 by creating a three-part civilian oversight system. The three-part system included the civilian-led OPA, OPA Auditor, and a three-member OPA Review Board.

On June 1, 2017, the Seattle City Council passed legislation to overhaul Seattle’s police accountability system.<sup>1</sup> The legislation implemented a three-pronged oversight system comprised of the existing OPA, a new Office of Inspector General for Public Safety (OIG), and a now-permanent Community Police Commission (CPC). Together, all three entities work to generate public trust in SPD by upholding a culture of accountability and adherence to policy and constitutional law.

## Responsibilities & Independence

OPA’s authority and responsibility include:

- Establishing and managing processes to initiate, receive, classify, and investigate individual allegations of SPD employee misconduct<sup>2</sup>
- Promoting public awareness of, full access to, and trust in the complaint investigation process
- Identifying SPD system improvement needs and recommending effective solutions
- Helping reduce misconduct and enhancing employee conduct

OPA is physically and operationally outside of SPD but within it administratively. This ensures complete and immediate access to all SPD-controlled data, evidence, and personnel necessary for thorough and timely complaint handling.

<sup>1</sup> See the [2017 Police Accountability Ordinance](#).

<sup>2</sup> OPA investigates all SPD employees, including civilians and management. These investigations are limited to SPD policy violations. In the event that OPA receives a complaint alleging criminal conduct, OPA refers the case out for criminal investigation within the appropriate jurisdiction and monitors its progress. In such cases, OPA may simultaneously conduct an administrative investigation, if appropriate.

## Oversight

The Interim OPA Auditor and the OIG provided oversight of OPA's complaint-handling in 2018.<sup>3</sup> This included reviewing OPA's classification of complaints and providing input as to classification of decisions, the scope of any subsequent investigation, and the substance of any supervisory action recommended. Oversight also included reviews of completed investigations and evaluations as to whether OPA investigations were objective, thorough, and completed in a timely fashion.

## Organizational Structure

OPA is a hybrid oversight agency comprised of approximately 25 sworn and civilian personnel.

The **OPA Director** is appointed by the Mayor and confirmed by the City Council. The Director oversees all investigations conducted by OPA, including classifying complaints received, making recommended findings to the Chief of Police, and participating in the disciplinary process. The Director also makes policy recommendations to the Chief of Police.

While OPA has civilian leadership, the **Investigation Team** is comprised of sworn SPD personnel (one captain, two lieutenants, and eight to ten sergeants). The sergeants perform most investigative tasks and are supervised by the lieutenants and captain. A civilian **Administrative Team** supports the investigation staff by creating electronic case files, responding to customer service requests, and transcribing investigative interviews.

The **Policy Team** handles policy and program development, data analysis, research, and compliance.

OPA hired a three-person **Community Engagement Team** in late 2018. These employees help OPA build relationships with community members through dialogue and information sharing. They also work to increase public awareness of OPA and the accountability system.

## Training & Professional Development

In 2018, OPA brought in a practitioner on two occasions to provide training for investigations staff on administrative misconduct investigations, interview preparation and techniques, and case planning. Investigations staff also attended a variety of externally-led conferences and trainings to further their education, including:

- Foundational Principles of Force Science (Force Science Institute)
- Internal Affairs Investigations Training Program (Federal Law Enforcement Training Centers)
- Public Safety Discipline and Internal Investigations (Americans for Effective Law Enforcement)
- Leadership that Shapes the Future (Foster School of Business, University of Washington)

In 2018, civilian leadership and staff expanded their knowledge of policing practices and policies by joining patrol officers on four ride-alongs in the field. They also participated in and attended a variety of trainings and conferences, including:

- Crisis Intervention Team Training Certification (Washington State Criminal Justice Training Commission)
- Defensive tactics, crowd management, de-escalation, and Taser use (SPD)
- Basic Mediation Training (King County Office of Alternative Dispute Resolution)
- IAPro Users Conference (IAPro)
- 2018 NACOLE Conference (National Association for Civilian Oversight of Law Enforcement)
- NACOLE Regional Training and Networking Series (National Association for Civilian Oversight of Law Enforcement)

<sup>3</sup> The Interim Auditor managed oversight of OPA's complaints for nearly all of 2018. The official oversight transition from Interim Auditor to OIG began in December 2018.

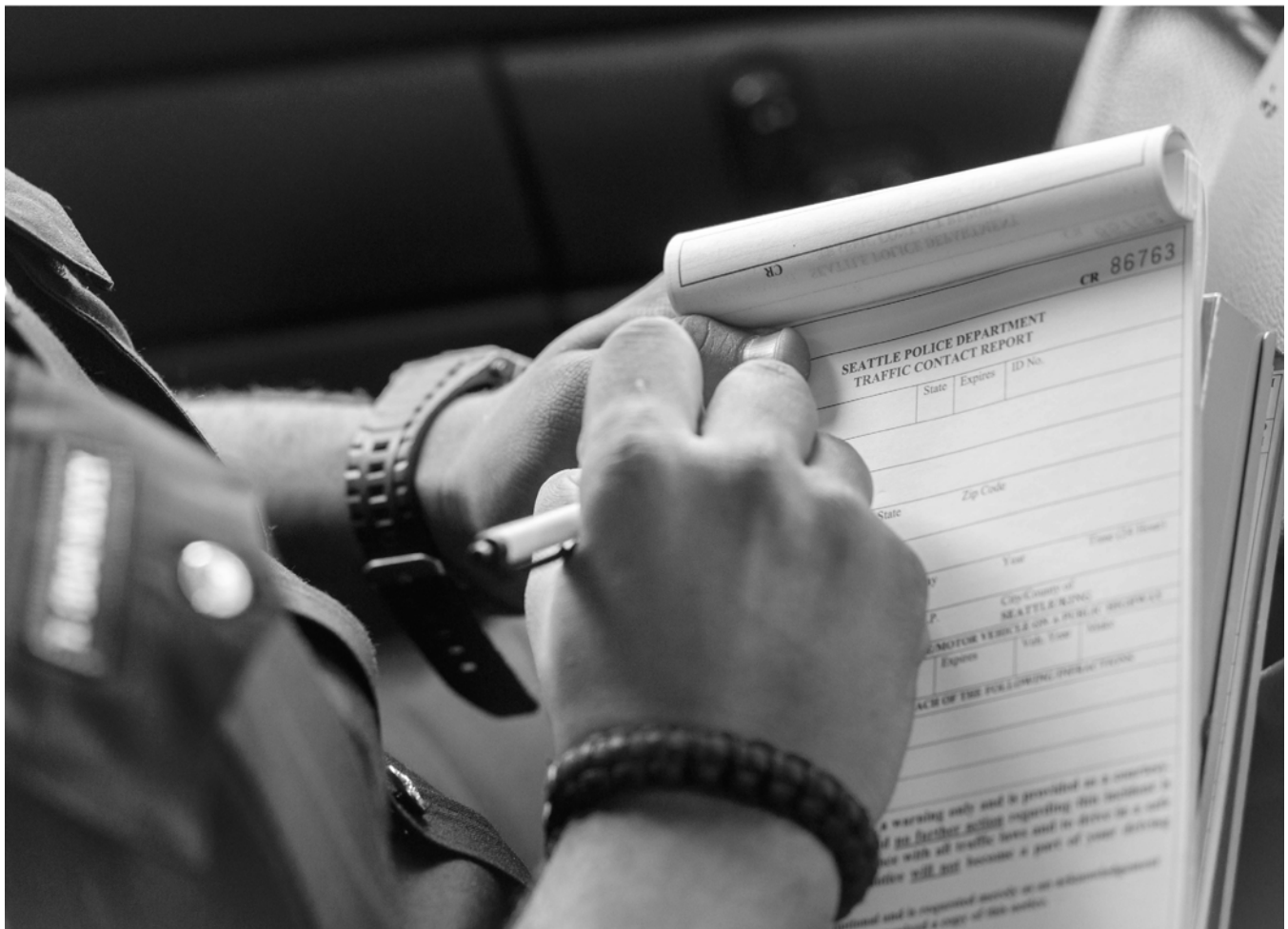
# METHODOLOGY

The 2017 Police Accountability Ordinance requires OPA to produce an annual report that includes qualitative and quantitative information demonstrating how the office fulfills its purpose, duties, and responsibilities.

Data for this report was extracted between February 12, 2019 and February 28, 2019 from OPA's records management database, IAPro. It is reflective of accurate and complete data at the time of publication.

Since OPA uses dynamic, live databases, the recorded allegation, finding, and case disposition numbers presented in this report are subject to future revision. Likewise, historical data presented here may vary slightly from figures presented in previous OPA reports due to changes in processes and reporting.

Details explaining how each sub-section was calculated are in the relevant report text or footnotes. All figures and graphs were created by OPA unless otherwise noted.





# COMPLAINTS RECEIVED

OPA strives to provide accessible and responsive customer service. When someone contacts OPA to share information, whether it is a complaint of officer misconduct, an inquiry about a case, or a public disclosure request, it is always documented in an electronic tracking system and reviewed to determine next steps.

Communication with OPA can be initiated by anyone, including anonymously, and will be accepted by whatever means it is conveyed, including in person, by phone, in a mailed letter, via email, or through the OPA web complaint form. In 2018, OPA received 1,172 complaints.<sup>4</sup> This is an 11% decrease from 2017.<sup>5</sup>

Figure 2: Complaints Received (2016-2018)

|            | 2016  | 2017  | 2018  |
|------------|-------|-------|-------|
| Complaints | 1,524 | 1,313 | 1,172 |

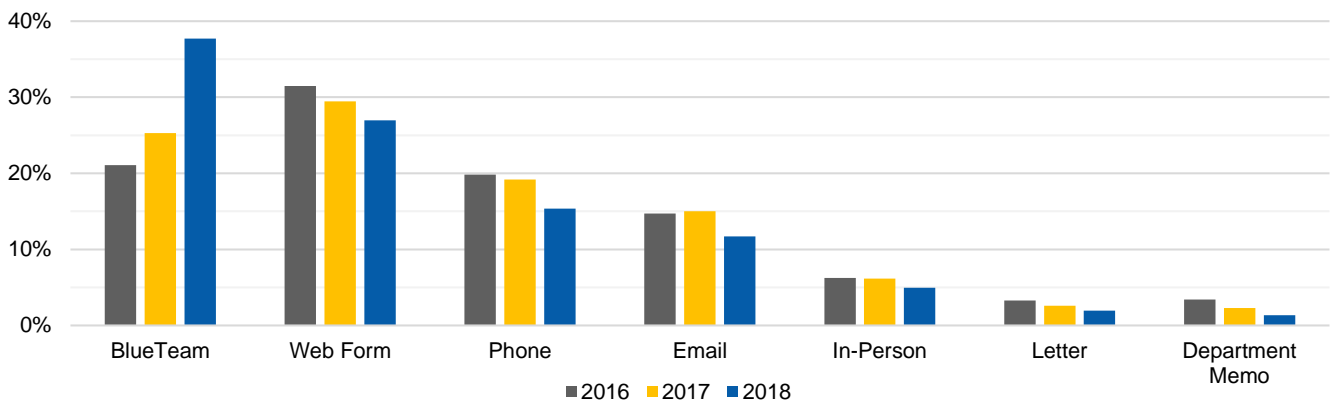
## Mode of Filing

The most common mode of filing a complaint was through BlueTeam, an internal application used by SPD supervisors to forward formal complaints made in the field through the chain of command. BlueTeam accounted for 38% of all complaints received in 2018, compared to 25% in 2017.

Figure 3a: Complaints Received by Mode of Contact (2016-2018)

| Mode of Contact | 2016         | 2017         | 2018         |
|-----------------|--------------|--------------|--------------|
| BlueTeam        | 321          | 332          | 442          |
| Web Form        | 480          | 387          | 317          |
| Phone           | 302          | 252          | 180          |
| Email           | 224          | 197          | 136          |
| In-Person       | 95           | 81           | 57           |
| Letter          | 50           | 34           | 24           |
| Department Memo | 52           | 30           | 16           |
| <b>Total</b>    | <b>1,524</b> | <b>1,313</b> | <b>1,172</b> |

Figure 3b: Mode of Contact as Percent of Total Complaints (2016-2018)



<sup>4</sup> A complaint is a contact with OPA that alleges misconduct by an SPD employee. A contact is defined as a correspondence with OPA that most often, but not always, constitutes a complaint.

<sup>5</sup> In April 2017, OPA began consolidating contacts that did not fall within its jurisdiction, including complaints unrelated to SPD employees, reports of criminal activity, or requests for public disclosure of information. These contacts are not counted toward the total number of complaints received in 2017 and 2018, as they were in previous years. The number of contacts that were consolidated in 2018 was 513. If including these contacts, the adjusted total contacts received is 1,393 for 2017 and 1,685 for 2018. These contacts require administrative support resources (e.g., each complainant receives a reply from OPA), but are not counted toward the complaints represented in Figure 2.

## Source

External complaints, or those received from sources outside of SPD, accounted for 55% of all complaints received in 2018. Of these, the most common method of contact was via the online complaint form on the OPA website, which comprised 48% of all external complaints. The remaining 45% of complaints received in 2018 were initiated or forwarded to OPA from within SPD.

Figure 4: Complaints Received, Internal vs. External (2018)

| Internal        |            |
|-----------------|------------|
| BlueTeam        | 442        |
| Web Form        | 52         |
| Phone           | 1          |
| Email           | 4          |
| In-Person       | 4          |
| Letter          | 4          |
| Department Memo | 16         |
| <b>Total</b>    | <b>523</b> |

| External     |            |
|--------------|------------|
| Web Form     | 312        |
| Phone        | 179        |
| Email        | 85         |
| In-Person    | 54         |
| Letter       | 19         |
| <b>Total</b> | <b>649</b> |

## Demographics of Complainants

Data on complainants who contact OPA is gathered through several sources. Those submitting complaints via online or hard copy complaint forms are provided an opportunity to voluntarily disclose their race and gender.<sup>6</sup> For complaints forwarded to OPA through BlueTeam, complainant demographic data is entered by the supervisor submitting the report and is not reflective of the complainant's voluntary disclosure. Additionally, OPA sometimes collects complainant demographic data from police reports associated with OPA complaints.

Figure 5 shows the racial distribution of OPA complainants where the race of the complainant was known by SPD and OPA (although not necessarily provided on a voluntary basis).<sup>7</sup> Since 2016, the percentage of African American complainants has increased while the percentage of White complainants has decreased.

Figure 5: Complainant Races as Percent of Total Known Races for All Complaints (2016-2018)

| Race                   | 2016 | 2017 | 2018 |
|------------------------|------|------|------|
| White                  | 63%  | 61%  | 52%  |
| Black/African American | 28%  | 29%  | 36%  |
| Asian/Pacific Islander | 5%   | 5%   | 5%   |
| Hispanic/Latino        | 3%   | 2%   | 5%   |
| Native American        | 1%   | 3%   | 2%   |

<sup>6</sup> During the drafting of this report, it was discovered that OPA's hard copy complaint form contained an error that compromised the accuracy of OPA's collection of demographic data. As a result, self-reported demographic data for complaints reported in-person or via letter is not included in Figure 6. In 2019, OPA is looking at ways to improve reporting on complainant demographic data for all methods of contact.

<sup>7</sup> In OPA's 2017 Annual Report, a figure was presented visualizing the racial breakdown of people who contacted OPA between 2013-2017. The report incorrectly stated that disclosure of complainant race was "entirely voluntary" for the figure shown. The figure intended to capture the race of people who contacted OPA through any means, as this information was known by OPA and SPD, and not as it was voluntarily provided by complainants. OPA is committed to accurately reporting data and believes that reporting on both of these figures can provide valuable insights into how or why some racial or ethnic groups are more or less likely to voluntarily disclose their race during the complaint process.

Of the 312 web complaints received in 2018, 192 complainants voluntarily identified themselves. Eighty-seven percent of these 192 complainants provided their gender and 75% provided their race. The gender breakdown of these complainants was 62% male and 38% female. *Figure 6* shows the racial distribution of external complainants as voluntarily disclosed via the web complaint form for the years 2016-2018.

*Figure 6: Web Form Complainant Races as Percent of Total Disclosed Races (2016-2018)*

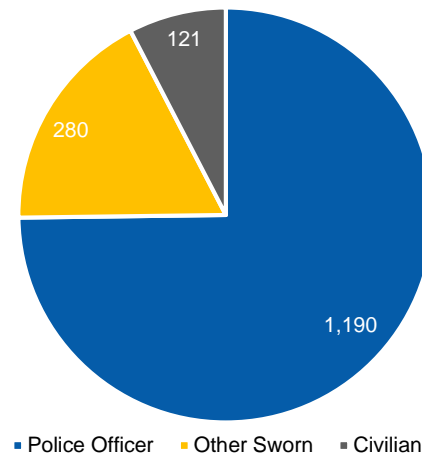
| Race                   | 2016 | 2017 | 2018 |
|------------------------|------|------|------|
| White                  | 80%  | 71%  | 69%  |
| Black/African American | 10%  | 15%  | 18%  |
| Asian/Pacific Islander | 7%   | 8%   | 8%   |
| Hispanic/Latino        | 2%   | 2%   | 4%   |
| Native American        | 1%   | 4%   | 1%   |

## Employees Receiving Complaints

### Assignment

A total of 1,591 employees were named in OPA complaints in 2018. This figure is representative of non-unique employees, with some employees receiving more than one complaint. For context, SPD has approximately 2,100 employees. Seventy-five percent of employees who received complaints, or 1,190 employees, were police officers. The remaining assignment distribution was 18% other sworn employee (ranking above police officer) and eight percent civilian employee.<sup>8</sup> In total, 92% of employees named in complaints were sworn personnel.

*Figure 7a: Employees Named in Complaints by Employment Type (2018)*



*Figure 7b: Employees Named in Complaints by Assignment (2018)*

| Assignment                  | Count        |
|-----------------------------|--------------|
| Officer                     | 1,190        |
| Sergeant                    | 142          |
| Detective                   | 64           |
| Parking Enforcement Officer | 62           |
| Communications Dispatcher   | 43           |
| Lieutenant                  | 36           |
| Sergeant Detective          | 21           |
| Other Civilian Employee*    | 16           |
| Captain                     | 11           |
| Chief of Police             | 4            |
| Assistant Chief of Police   | 2            |
| <b>Total</b>                | <b>1,591</b> |

\* Includes Administrative Specialist (3), Strategic Advisor (3), Chief Administrative Officer (2), Photographer (2), Director (1), Executive (1), Manager (1), Paralegal (1), Reserve Officer (1), and Victim Advocate (1).

<sup>8</sup> Categories include those assigned to the position in an "acting" capacity (e.g., Acting Sergeant, Acting Lieutenant). Dispatcher and Parking Enforcement categories include employees at all levels within unit. Police Officer category includes Probationary and Student Officers.

## Demographics

The gender distribution of employees named in complaints was 85% male and 15% female. This aligns with the gender division of SPD's sworn personnel, which is also 85% male and 15% female.<sup>9</sup>

The racial distribution of employees named in complaints was generally on par with the racial makeup of the Department. Seventy-four percent of employees named in OPA complaints identified as White, which is slightly higher than the nearly 70% of SPD employees who identify as White.

## Length of Employment

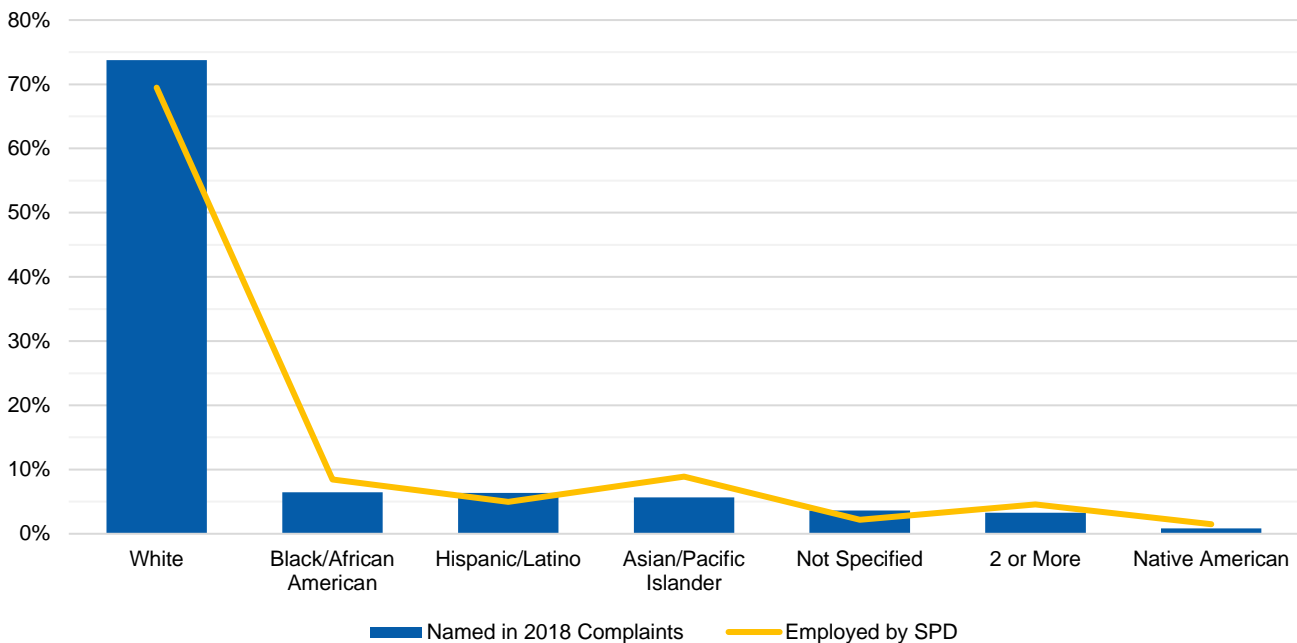
Ninety people who had been employed for less than one year received complaints in 2018. Of these, 78% were police officers, and the remaining 22% were civilian dispatchers or parking enforcement officers. There was a spike at one year of employment, with 190 employees receiving complaints. This might be explained by the steep learning curve experienced by new officers who are

no longer under the guidance of a Field Training Officer, as they are during their probationary period (generally the first year of service).

There is a correlation between the number of employees hired in a given year and the number of complaints against employees hired in that year. In general, the more employees that are hired, the more complaints that are filed against them. For example, those who were employed by SPD for two years were the subjects of the greatest number of OPA complaints in 2018, with 205 employees named.<sup>10</sup> This correlates to a peak in hiring that occurred in 2016, with 141 employees hired in 2016 still employed by SPD now. There is another peak in complaints received against employees with 9-10 years of service, which aligns with the Department's hiring peak in 2008.

Despite this trend, employees with four or fewer years of employment with SPD are receiving more complaints than employees at any other length of employment. Those hired in 2016 make up seven percent of all SPD employees, but they received

Figure 8: Racial Distribution of Employees Named in Complaints (2018)



<sup>9</sup> When including civilian employees, SPD is 71% male and 29% female.

<sup>10</sup> In Figure 9, employees with two years of experience were hired in either 2015 or 2016, depending on the date of their hire and the date the complaint was received.

14% of total complaints in 2018. This general trend may be due to the majority of officers being assigned to patrol during their first several years of service and having greater interaction with community members than officers assigned to investigative or non-patrol units.

In total, there were 747 people in their first four years of employment who were named in complaints in 2018.<sup>11</sup> Ninety-three percent of these employees were police officers, and 99% of these officers were working a patrol or field training assignment during the incident that resulted in a complaint to OPA.

Figure 9: Number of Employees Named in Complaints by Years of Experience (2018)

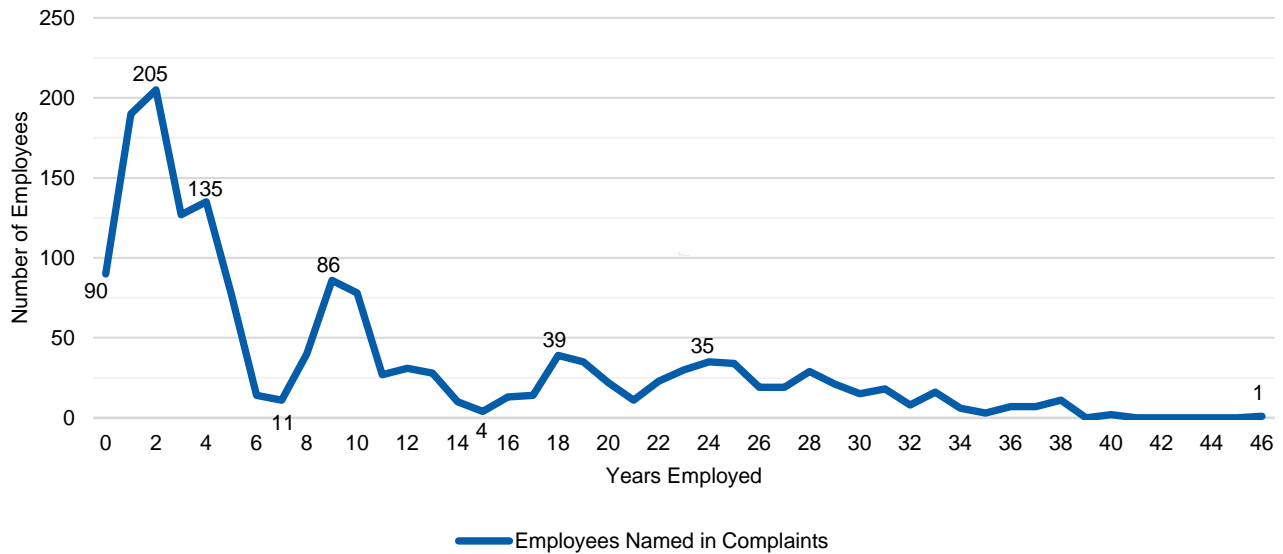
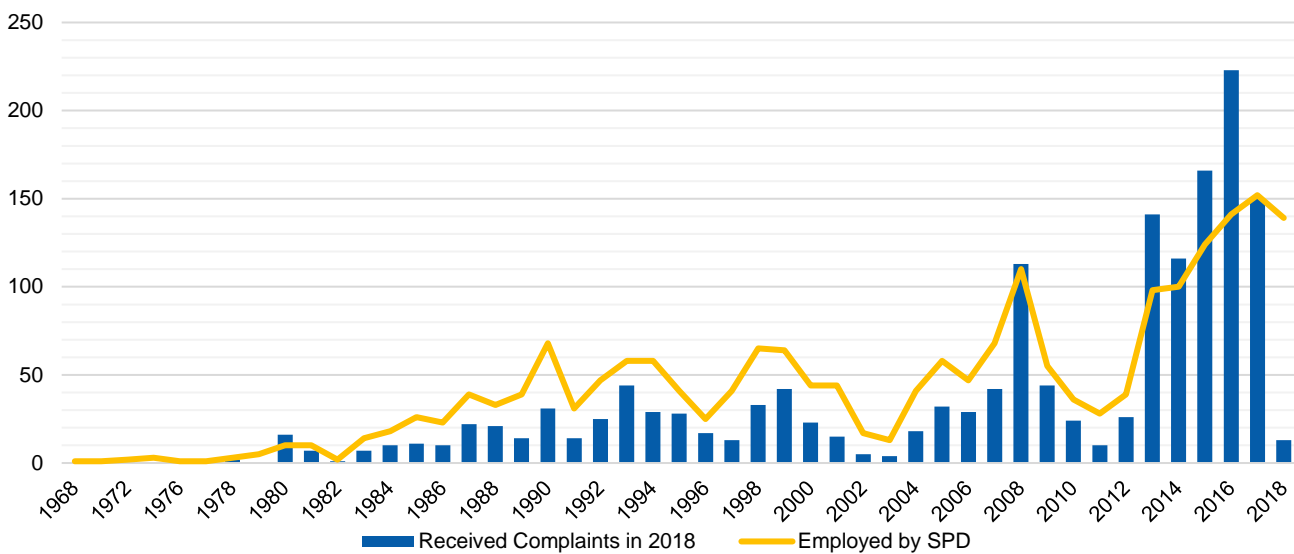


Figure 10: Comparison of Employees Receiving Complaints (2018) to Total Current SPD Employees by Year of Hire



<sup>11</sup> This figure is not representative of unique employees who received a complaint, as some employees received more than one complaint in 2018.



## Locations of Incidents

The city of Seattle is divided into five police **precincts** that represent different regions of the city. Within each precinct are several **sectors**, or subdivisions of patrol areas within a precinct. Each sector is identified by a single letter of the alphabet. All sectors are further divided into three **beats**, the smallest geographic division of a patrol region.

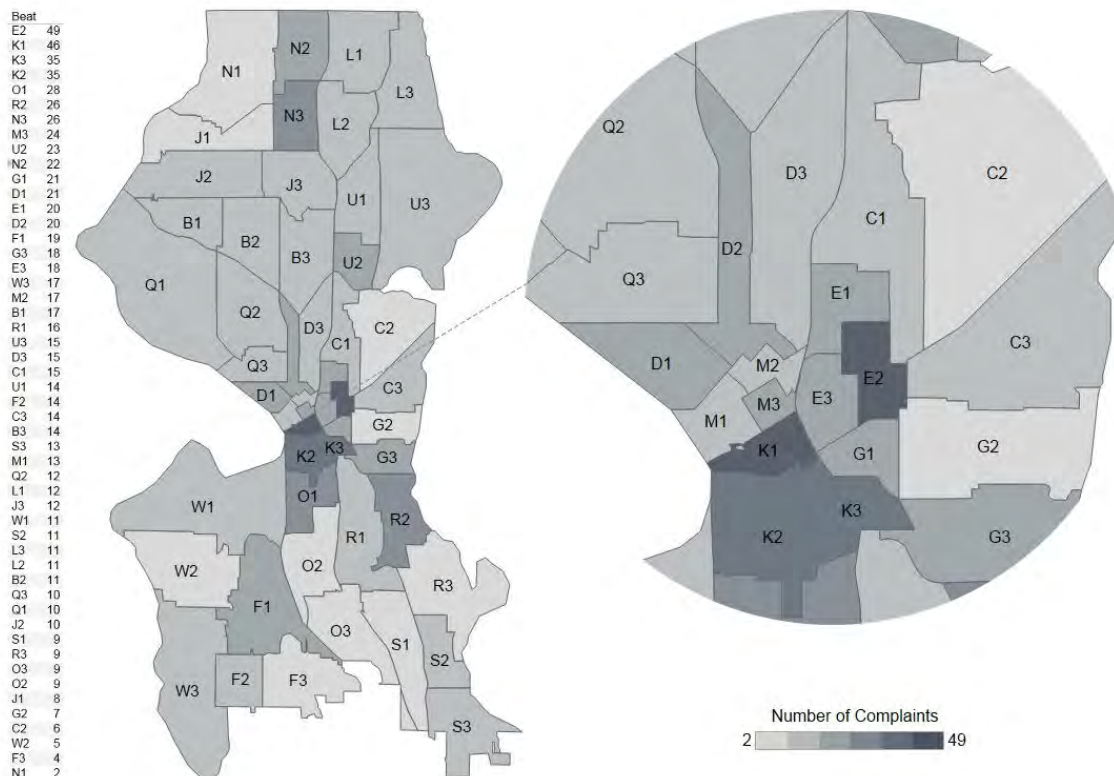
In most cases, OPA collects data on the location where the alleged misconduct occurred, except when the location cannot be determined. OPA identified the incident location in 73% of contacts received in 2018. The locations of incidents are mapped by police precinct and beat in *Figure 11* and *Figure 12*.

Figure 11: Incident Locations by SPD Precinct Resulting in Complaints (2018)

| Precinct           | % of Complaints |
|--------------------|-----------------|
| West               | 30%             |
| North              | 24%             |
| East               | 20%             |
| South              | 15%             |
| Southwest          | 8%              |
| Outside of Seattle | 3%              |



Figure 12: Incident Locations by Police Beat Resulting in Complaints (2018)

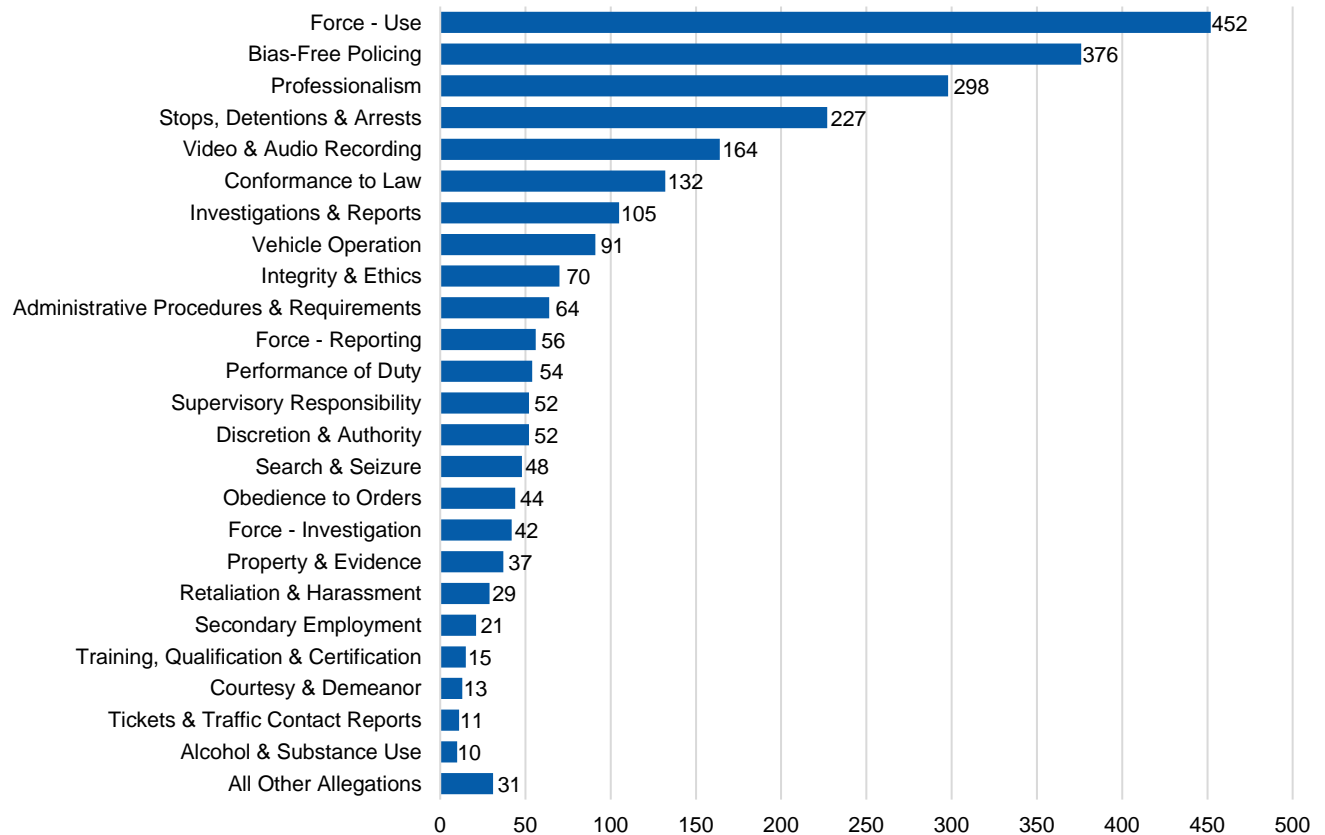


# ALLEGATIONS

Allegations of misconduct are reviewed and evaluated based on policies and directives outlined in the SPD Manual.<sup>12</sup> An individual complaint may contain multiple allegations against one or more officers.

OPA investigators recorded 2,494 total allegations against department employees in 2018. *Figure 13* shows the number and types of allegations received.<sup>13</sup>

*Figure 13: All Allegations by Type (2018)*



<sup>12</sup> See the [Seattle Police Department Manual](#).

<sup>13</sup> The 'All Other Allegations' category in *Figure 13* includes allegations of Information and Communication Systems (8), Timekeeping & Payroll (6), Duty to Provide Identification (5), Equipment & Uniform (4), Chain of Command (3), Self-Reporting Obligations (3), Confidentiality (1), and Facilities & Security (1).

# CLASSIFICATION

During the 30 days after initiating or receiving a complaint, a preliminary investigation is conducted by OPA investigators to determine next steps. During the classification process, the preliminary investigation is reviewed by the OPA Director or a civilian designee to determine the exact allegations and appropriate classification for each case. The allegations are determined by assessing whether any laws or SPD policies would have been violated if the actions alleged are proven to be true.

OPA opened a full investigation into 44% of complaints received in 2018. This was a 10% increase over the percent of total complaints investigated in 2017. OPA continues to classify fewer cases as Contact Logs and referred fewer cases back to employees' supervisors than in 2017. Seven complaints were resolved through mediation.

## Classification Types

**Contact Log:** The contact either does not include an allegation of a policy violation by an SPD employee, there is not enough information to proceed, or an investigation is otherwise not warranted based on the allegation or OPA's preliminary investigation. Common Contact Log topics include slow police response times, concerns about law enforcement officers in other jurisdictions, city management issues, crime reports, and public disclosure requests.

**Mediation:** An alternative to traditional complaint-handling whereby an SPD employee and a member of the public confidentially discuss a police interaction in which the community member felt dissatisfied. Through dialogue facilitated by a neutral mediator, the employee has an opportunity to hear the perspective of the community member and vice versa. Mediation is voluntary and can only occur if both parties agree to participate. If the Mediator reports back that the employee participated in good faith, the complaint is dismissed, and no discipline results. If the opposite is reported, the complaint will be returned to OPA for investigation.

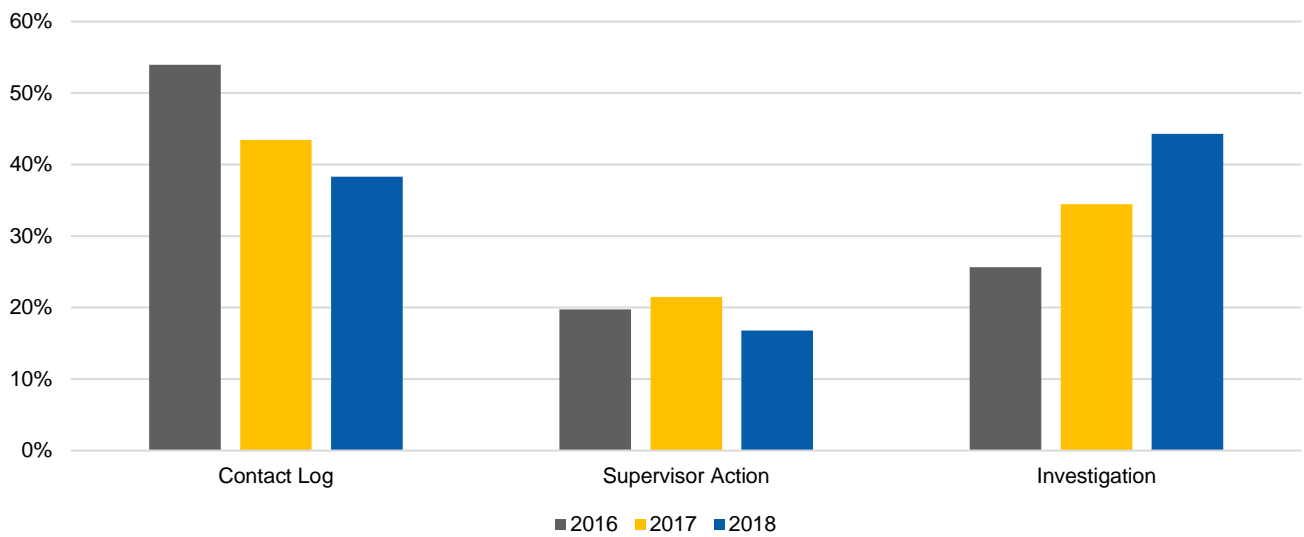
**Supervisor Action:** The contact alleges conduct that either is not a violation of policy or is a violation that should be addressed through counseling and coaching by the employee's supervisor. OPA sends a notice to the employee's supervisor summarizing the specific concerns with the employee's conduct and provides the supervisor with guidance as to the issues to be discussed with the employee.

**Investigation:** OPA has discretion to investigate any specific SPD policy violation it chooses, but the office prioritizes its investigative resources on allegations that concern severe policy violations and compromised public trust. An investigation is followed by a recommended finding and can result in formal discipline.

Figure 14: Classification of Complaints (2018)

| Classification    | Total        |
|-------------------|--------------|
| Contact Log       | 449          |
| Supervisor Action | 197          |
| Investigation     | 519          |
| Mediation         | 7            |
| <b>Total</b>      | <b>1,172</b> |

Figure 15: Classification of Complaints as Percent of Total Complaints (2016-2018)



# INVESTIGATIONS

In cases where a full investigation takes place, the OPA Director reviews the case, certifies it as complete, and issues a recommended finding for each allegation to the Chief of Police — via a Director’s Certification Memo — using the preponderance of the evidence standard.<sup>14</sup> If the preponderance of the evidence shows misconduct did occur, the recommended finding is sustained. If not, the finding is not sustained.

## Summary of Trends

OPA classified 519 complaints for investigation in 2018. Seventy-one percent of all complaints initiated or forwarded internally from SPD resulted in a full investigation. Furthermore, 72% of all OPA investigations in 2018 stemmed from internal complaints. On the other hand, 22% of complaints received externally resulted in an OPA investigation, and these external complaints comprised the remaining 28% of all OPA investigations.

Investigators recorded 2,166 allegations of misconduct in these 519 investigations. OPA initiated a full investigation into 99% of all Use of Force allegations received in 2018, as well as 98% of all Bias-Free Policing allegations. Two additional allegations of Bias-Free Policing were resolved through mediation. Allegations of Professionalism resulted in a full OPA investigation 66% of the time, with 30% of Professionalism complaints being classified as Supervisor Action. Over 1,000 employees were identified in a total of 504 of the 516 OPA investigations. OPA investigated 12 complaints where the involved employee was unknown. The greatest number of employees named in a single investigation was fifteen.

## Findings

In 2018, the Director issued findings for 2,213 allegations in 550 investigations.<sup>15</sup> *Figure 16* shows the number and types of findings issued by the Director.

## Not Sustained Finding Types

**Unfounded:** The evidence indicates the alleged policy violation did not occur.

**Lawful and Proper:** The evidence indicates the actions taken were permissible.

**Inconclusive:** The evidence neither proves nor disproves the alleged policy violation.

**Training Referral:** The evidence indicates there may have been a violation of policy, but it was not willful and/or did not amount to misconduct. The situation is addressed by the employee’s supervisor via education and counseling, as specified by OPA.

**Management Action:** The policy or training relevant to the allegation is deficient or non-existent, so the employee is not held accountable for their actions. OPA issues a recommendation to clarify the policy or training.

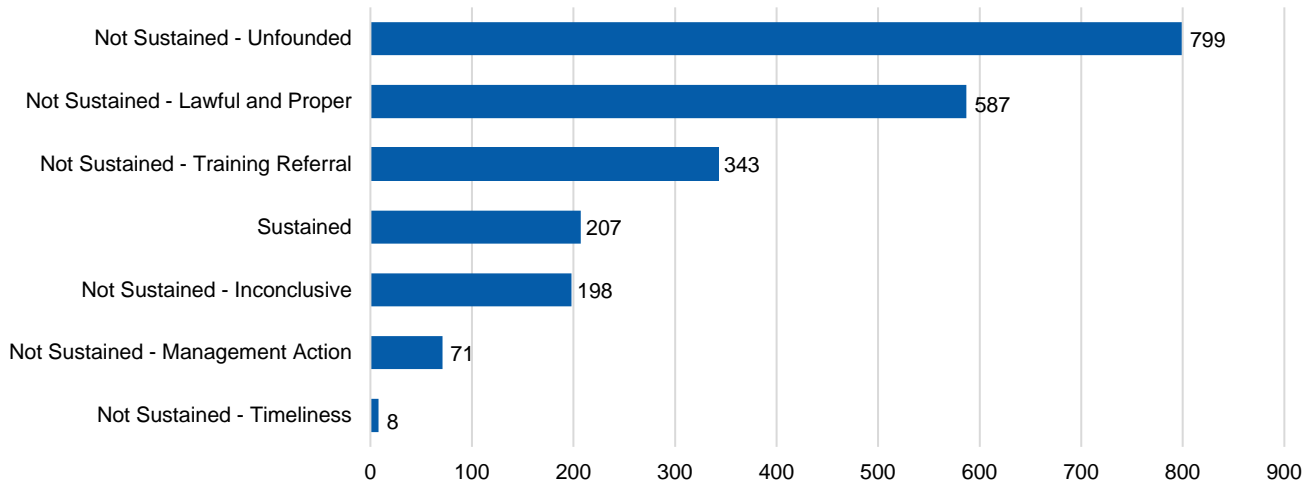
**Timeliness:** The evidence indicates the policy violation occurred, but because the investigation was not completed within 180 days, the finding cannot be recommended sustained.

<sup>14</sup> Per Black’s Law Dictionary, this standard is defined as follows: “The greater weight of evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.”

<sup>15</sup> In 2018 the Director issued findings for one case received in 2015, 20 cases received in 2016, 242 cases received in 2017, and 287 cases received in 2018.



Figure 16: All Findings Issued by Type (2018)



## Sustained Findings

There were 207 sustained findings issued in 2018 for 113 distinct OPA investigations. Of all cases in which the Director issued findings, 21% of cases had at least one sustained allegation. There were 117 employees subject to at least one sustained allegation. Of these employees, 112 were sworn and five were civilian employees. Eighteen sworn and one civilian employee had three or more sustained allegations in 2018. Five of these employees are no longer employed by SPD. *Figure 17* shows the number and types of allegations for which the Director issued recommended sustained findings in 2018.<sup>16</sup>

## Use of Force Findings

Title 8 of the SPD Manual outlines the roles and responsibilities of employees regarding uses of force. The Director issued 443 findings for Use of Force allegations in 2018. Of these, 87% were initiated or forwarded to OPA internally and 13% were sent by a community member.<sup>17</sup> Allegations of Use of Force generally require a more involved investigation, both in time and complexity, as investigators review each involved and witness officers' reports, in-car and body-worn videos, and other digital evidence. Of the 443 findings issued in 2018 relating to Use of Force, there were 361 employees investigated within 172 distinct investigations. The Director recommended sustained finding for 17 of these allegations. *Figure 18* shows the number of types of findings issued for Use of Force allegations in 2018.

<sup>16</sup> 'Force - Reporting' allegations pertain to officers and their duty to report uses of force to a supervisor, whereas 'Force - Investigation' allegations relate to the responsibilities of supervisors in reporting and investigating officer uses of force.

<sup>17</sup> Of the 87% of Use of Force findings issued by the Director in 2018 that were initiated within SPD, 94% were received via BlueTeam. The remaining 6% were forwarded to OPA via email from an SPD employee.

Figure 17: Sustained Allegations by Type (2018)

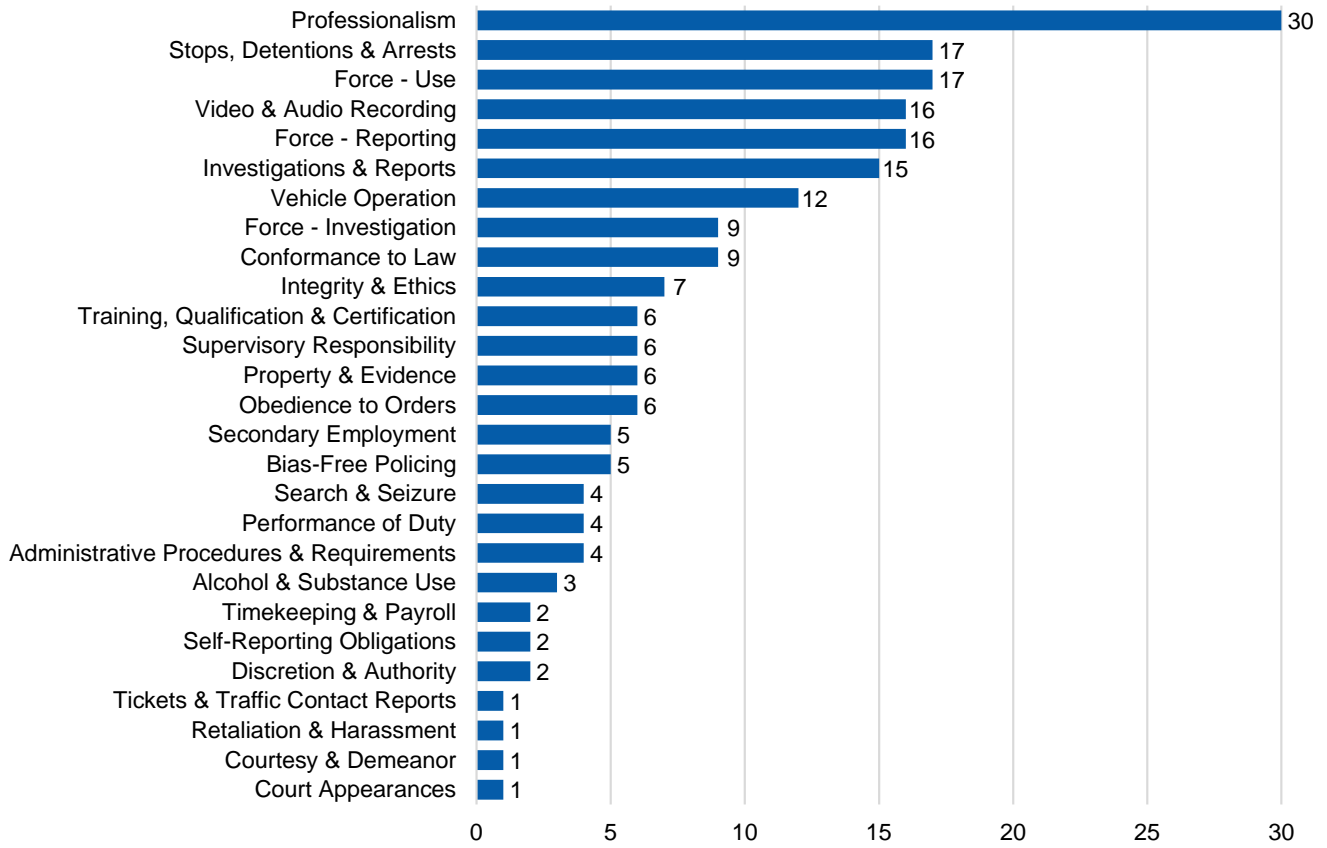
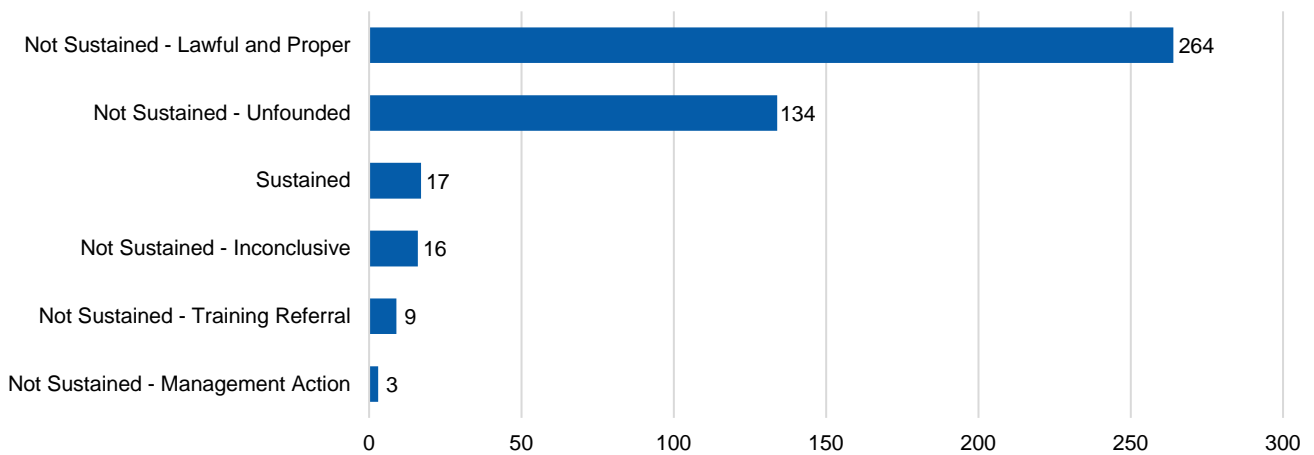


Figure 18: Findings Issued for Use of Force Allegations (2018)



## Timeliness

Under the Seattle Police Officers' Guild and Seattle Police Management Association collective bargaining agreements, OPA must complete its investigation within 180 days for discipline to be imposed. To ensure a timely investigation, OPA generally begins calculating the 180-day investigation period from the date of the incident, even if the complaint is received at a later date.<sup>18</sup> Ninety-four percent of OPA investigations in which the Director issued recommended findings in 2018 were deemed timely. Six percent, or 34 investigations, were untimely. Of these cases, 41%, or 14, of the complaints were received prior to the appointment of the current OPA Director in July 2017. None of the investigations completed after the 180-day due date contained sustained findings.

There was one OPA investigation in which the Director issued findings of not sustained due to timeliness in 2018. The case involved eight separate allegations of misconduct. OPA completed its investigation within 180 days of receiving the complaint, but discipline could not be imposed because the complaint was made beyond the timeframe allowed to impose discipline.<sup>19</sup>

## Management Action Recommendations

During investigations, OPA sometimes identifies issues with SPD policies or practices that have implications beyond the case at hand. To address them, OPA can issue a Management Action Recommendation (MAR), which typically takes the form of a letter to the Chief of Police identifying specific issues and recommending changes. A MAR is a useful tool for correcting gaps, ambiguities, and other problems with SPD policies and procedures. Through MARs, OPA can be proactive in preventing misconduct before it occurs, while at the same time ensuring that any discipline imposed as a result of investigations will not be overturned based on flaws in SPD policies or procedures. SPD is not required to implement the suggestions that come from OPA in the form of MARs, but they do actively collaborate and attempt to find solutions as much as possible.

OPA issued MARs on 30 unique topics during 2018. Two examples are described on the following page, and a full list can be found in [Appendix A](#).



<sup>18</sup> The 180-day timeframe ends at the date of the Director's certification and issuance of recommended findings to the Chief of Police via a Director's Certification Memo for cases with not sustained findings. For sustained cases, the 180-day deadline is the date of the Director's issuance of the proposed Discipline Action Report.

<sup>19</sup> Article 3.6(G) of the then-relevant [2013 Seattle Police Officer Guild CBA](#) indicated, "No disciplinary action will result from a complaint of misconduct where the complaint is made to [OPA] more than three years after the date of the incident which gave rise to the complaint..." In this case, the complaint was made three and a half years after the incident of alleged misconduct.

# MAR Examples

**Bias Reviews & Complainant “Satisfaction”:** OPA conducted an investigation concerning the Bias-Free Policing policy where supervisors failed to demonstrate—as is required in policy—that the complainant was “satisfied.” In several cases, sergeants deemed a complainant “satisfied” even though the complainant either walked away or did not respond to the sergeant. While the Bias-Free Policing policy is explicit in its requirements, OPA determined that sergeants were not actually being trained to obtain complainant “satisfaction” prior to submitting a Bias Review, which put them at odds with the policy. OPA also recognized that complainant “satisfaction” was subjective and difficult to satisfy. Consequently, OPA issued a MAR recommending the removal of the complainant “satisfaction” language from the policy. OPA also recommended permitting a Bias Review if there is no evidence of misconduct, no request for an OPA referral, and OPA’s contact information is shared with the complainant. OPA believed these changes would increase internal and external accountability and provide sergeants with clearer expectations. SPD agreed and changed the policy language accordingly.

**Seizure at a Door’s Threshold:** Several OPA cases involved officers who seized individuals by pulling them over the threshold of the doorway in their home. The officers in these cases were unaware that either a search warrant or an exception from the warrant requirement was needed to effectuate those seizures legally. OPA recommended training referrals to the involved officers given that these seizures stemmed from a lack of clarity concerning the law rather than intentional misconduct. OPA also issued a MAR requesting that the Department provide more robust and frequent training to officers on the state of and developments in search and seizure law. In response, SPD now requires sergeants to review the monthly Washington State Law Enforcement Digest and provide training on relevant case law and legal findings to their squads.



# DISCIPLINE

After a recommended finding of sustained has been issued on an allegation of misconduct, the Chief of Police decides what discipline to impose on the named employee. If the Chief decides not to follow one or more of the OPA Director's recommended findings, the Chief must provide a written statement of the reasons for the decision within 30 days of making that decision.

The written statement is 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. For each allegation, one of the discipline types in the box below can be imposed.<sup>20</sup>

## Discipline Types

**No Discipline:** No formal discipline is imposed.

**Oral Reprimand:** An oral reprimand is provided by the chain of command to an employee to explain how their conduct violated a specific policy. As with all discipline, the goal is to correct the behavior and ensure that it does not reoccur.

**Written Reprimand:** A written reprimand is like an oral reprimand but generally utilized when there is a higher level of misconduct or fewer mitigating factors. It is the final corrective step prior to a higher level of discipline.

**Suspension Without Pay:** A suspension requires an employee to forgo work and its associated pay. Suspensions generally occur in cases where misconduct is sufficiently severe that an oral or written reprimand is too lenient to ensure the behavior will be corrected. Suspensions may be given in full-day increments up to the highest level of a 30-day suspension.<sup>21</sup>

**Other:** Includes demotions, reassignments, or other disciplinary actions not otherwise noted.

**Termination:** A termination is when an employee is dismissed from their employment.

<sup>20</sup> There are instances in which employees resign or retire in lieu of or prior to receiving discipline.

<sup>21</sup> Suspension without pay is limited to a maximum of 30 days pursuant to the collective bargaining agreement.



## Actions Taken for Sustained Allegations

There were 122 instances in which an employee received at least one sustained finding in an OPA investigation that resulted in discipline in 2018.<sup>22</sup> Thus far, discipline has been imposed for 185 of the 207 sustained findings that were issued by the Director in 2018.<sup>23</sup> *Figure 19* shows the number and type of discipline imposed on employees who received one or more sustained allegation in an OPA investigation in 2018.

Five SPD officers were terminated upon completion of OPA investigations in 2018. Of the three instances in which “other” discipline was imposed, two belonged to an officer who had already been terminated based on the findings of a separate OPA investigation. In the third case, the employee was demoted in rank from sergeant to police officer.

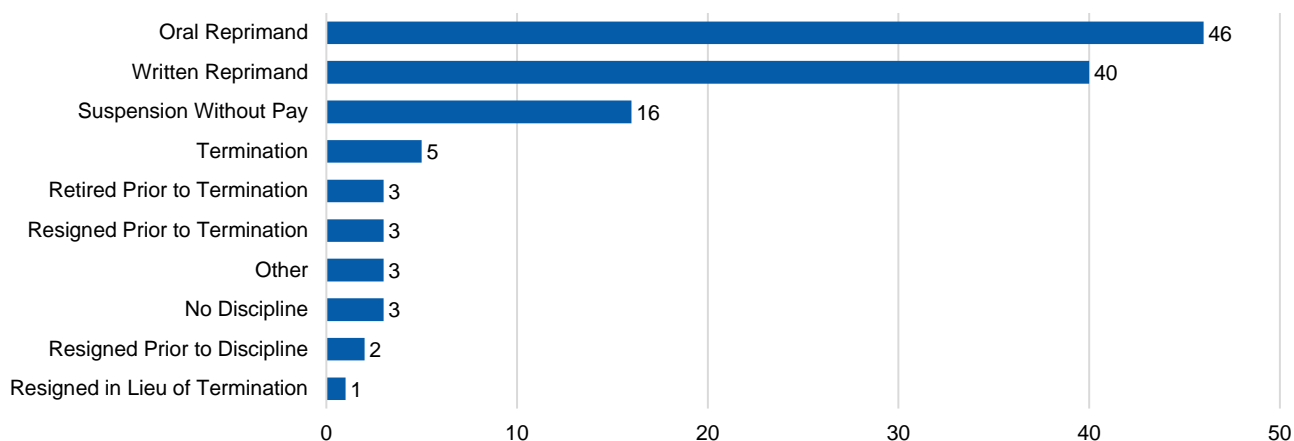
## Appeals

Employees can appeal any disciplinary decision involving suspension, demotion, or termination to either the Public Safety Civil Service Commission or a neutral arbitrator, as provided in their collective bargaining agreement. If an appeal or grievance of discipline is filed, OPA sends notification to the complainant. The complainant is again notified when the outcome of an appeal or grievance has been determined.

If the employee is terminated or resigns/retires in lieu of termination, the Chief will also send notification to the Washington State Criminal Justice Training Commission (WSCJTC), which is responsible under state law for certifying and de-certifying all officers. If the misconduct includes a criminal conviction or dishonesty, the WSCJTC may de-certify the officer, meaning they will no longer be allowed to be an officer anywhere in the state of Washington, and information will be entered into an inter-state database.

The status of appeals as of December 31, 2018, is listed in [Appendix B](#).

*Figure 19: Discipline Imposed Per Employee for Sustained Allegations (2018)*



<sup>22</sup> There were 117 unique employees that received sustained findings. Some employees received sustained findings in multiple investigations.

<sup>23</sup> At time of this report's publication, discipline is pending for the remaining sustained allegations.

## Findings Overturned

The Chief of Police overturned the OPA Director's recommended findings in three cases during 2018.

### De-Escalation Case

**OPA Findings:** OPA found the Named Employee (NE) violated Department de-escalation policy and acted contrary to training when he failed to engage in planning or discussion with fellow officers prior to rushing the subject and did not utilize de-escalation tools. Officers are trained to establish a less-lethal contact team in which they act at the direction of the less-lethal operator. Essential to this tactic is communication and teamwork. However, the NE did not allow his fellow officers to develop a plan, nor did he communicate his intentions to them. Instead, the NE used an untrained and risky tactic and, by doing so, escalated a Type II application of force into a potential deadly force scenario.<sup>24</sup>

**Chief Reversal:** In the Disagreement Letter submitted to reverse the findings of this case, Chief Best found that the NE's actions were consistent with the de-escalation policy for three primary reasons. First, the law enforcement priorities of protecting the public and taking an armed robbery subject into custody justified the discontinuation of de-escalation efforts and intervening before the subject reached a high-pedestrian area. Second, the physical environment at the time the officer used force presented tactical advantages. Third, when balanced against these tactical and public safety priorities, there was little reason to believe that further de-escalation would be anything other than futile.

### Terry Stop Case

**OPA Findings:** OPA found that a Terry stop was not supported by reasonable suspicion. By effectuating a stop without sufficient legal basis and by failing to provide an oral explanation for the stop, the NE

engaged in conduct that served to unnecessarily escalate the matter. OPA also believed this to be a violation of the Department's professionalism policy.

**Chief Reversal:** In the Disagreement Letter submitted to reverse the findings of this case, Chief Best notified OPA that the investigation revealed he-said, she-said, and circumstantial evidence. In fully assessing all of the evidence, reasonable minds could disagree about whether the officer lied to OPA. The OPA Director was correct in that the NE's actions here raise questions, but there is not enough evidence to support a finding that he lied to OPA. As such, the recommended Sustained finding for violation of the Truthfulness policy will be changed to Not Sustained-Inconclusive.

### Fraud Case

**OPA Findings:** In a prior case, the NE admitted to engaging in insurance fraud when he falsely reported to his insurance company he was involved in a car accident when his nephew was the driver. While he admitted to filing a false insurance report, he denied that his nephew was intoxicated at the time he arrived on the scene. Based on the totality of the circumstances and the evidence of the case, OPA believed that the NE engaged in intentional and material dishonesty during his OPA interview.

**Chief Reversal:** In the Disagreement Letter submitted to reverse the findings of this case, Chief Best notified OPA that the investigation revealed he-said, she-said, and circumstantial evidence. In fully assessing all of the evidence, reasonable minds could disagree about whether the officer lied to OPA. The OPA Director was correct in that the NE's actions here raise questions, but there is not enough evidence to support a finding that he lied to OPA. As such, the recommended Sustained finding for violation of the Truthfulness policy will be changed to Not Sustained-Inconclusive.

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<sup>24</sup> Type II use of force is force that causes or is reasonably expected to cause physical injury greater than transitory pain but less than great or substantial bodily harm. See the [Seattle Police Department Manual](#).

# OTHER OPA FUNCTIONS

## Engaging Community & Stakeholders

OPA views participation in events as important to strategic outreach, system improvement, and increasing accountability. In 2018, OPA participated in about 25 community and stakeholder events, primarily hosted by local organizations, affinity groups, and other police oversight agencies. Events attended in 2018 included, among others, the YouthSpeaks Poetry Slam, the People's Institute Undoing Institutional Racism Breakfast, the SPD African American Advisory Council meeting, a panel at the ACT Theater, and a Not This Time meeting. OPA is prioritizing deeper and more robust engagement in 2019 with the support of the new Community Engagement Team.

OPA also spent considerable time in 2018 engaging with and strengthening its relationship with SPD through dialogue and informational presentations. For example:

- To build rapport with officers, understand officer perspectives, and convey the OPA vision and mission, OPA spoke at 12 roll calls, reaching about 130 officers.
- To relay information to sergeants about OPA processes, trends, and new ideas, OPA held nine, 2.5-hour trainings, reaching about 190 sergeants.
- To increase communication and transparency by highlighting OPA cases and policy recommendations that may inform officers' day-to-day work, OPA sends an email newsletter to about 250 stakeholders (mostly sworn personnel) every two weeks. The first email was sent November 9, 2018.
- To introduce new officers to the role and expectations of OPA, OPA presented to 12 Post Basic Law Enforcement Academy classes.

## Monitoring Serious Incidents

The SPD Manual requires that all uses of force by officers be documented and investigated per specific guidelines appropriate to the level of force used. Type III uses of force require investigation by the SPD Force Investigation Team (FIT).<sup>25</sup> OPA is designated as an observer to all FIT investigations of Type III uses of force, including officer-involved shootings. When such incidents occur, OPA representatives respond to the scene and participate in the administrative investigation and discussion about the incident. The administrative investigation examines whether an officer's conduct followed SPD policy and training. OPA involvement is intended to bring a civilian perspective into situations of significant public concern. At any point, OPA can identify concerns related to possible violations of SPD policies and initiate a complaint.

In 2018, OPA responded to the scene of 28 FIT callouts. This is an important number for OPA to track because FIT callouts comprise a significant portion of staff time and resources throughout the year.<sup>26</sup> This number also points to OPA's commitment to strengthening procedural justice and assuring civilian oversight, accountability, and transparency of force investigations.

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<sup>25</sup> Type III use of force is force that causes, or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death. See the [Seattle Police Department Manual](#).

<sup>26</sup> Callouts generally include the OPA Director, one captain/lieutenant, and two sergeants. They are all required be on-call and report to the site of the incident, the hospital, and/or the FIT office until the initial investigation and interviews have been completed.

<sup>27</sup> See Section 3.29.300 of the [2017 Police Accountability Ordinance](#).

# Collaborating with System Partners

OPA is dedicated to regular collaboration with its accountability partners. This is evidenced by OPA's deliberate development of and/or participation in a variety of efforts throughout the year.

Starting in July 2018, OPA has been attending and participating in a quarterly Seattle police accountability partners meeting, which includes representatives from the CPC, OIG, and SPD. Meetings allow time for partners to collectively develop and promote recommendations that support systemic improvements to SPD performance alongside the advancement of community trust.

OPA is also a member of the Serious and Deadly Force Investigation Taskforce (SDFIT), led by the CPC. OPA participated in a total of seven SDFIT meetings during 2018. SDFIT convenes police accountability stakeholders to assess feasibility and mechanisms to establish investigations and review processes that are external to SPD for cases involving serious and deadly uses of force. This stakeholder group is additionally responsible for providing recommendations to policymakers for consideration.<sup>26</sup>

OPA also collaborated with the OIG by submitting three recommendations to be considered as part of the 2019 OIG workplan. The workplan prioritizes areas of SPD operations for potential review or audit. OPA's submissions included requests for:

- A review of policies and practices governing the limited law enforcement authority of Special Police Officer Commissions, which generate numerous OPA complaints each year.
- An assessment of the adequacy of the training process for implementing use of force policy changes.
- An audit in 2020 of revisions to policies surrounding supervisory handling of minor misconduct allegations.



## Conducting Bias Reviews

In addition to reviewing complaints submitted to OPA directly, OPA reviews “Bias Reviews” conducted by the SPD chain of command. OPA received 193 Bias Reviews in 2018. A Bias Review is completed when a person makes an allegation of bias but does not specifically request that the complaint be referred to OPA. The reviewing supervisor conducts a preliminary investigation immediately after the complaint is made. If the supervisor concludes that no misconduct occurred, the supervisor documents the bias investigation and forwards it for review by the chain of command. After the chain of command completes its review, the file is sent to OPA for final review. Bias Reviews are not considered “complaints,” and OPA does not conduct independent investigations of the incidents. The review generally consists of a screening to determine whether the complaint appears to have been handled appropriately. If OPA has concerns about bias or discovers other potential policy violations, OPA opens a new file and conducts a preliminary investigation.<sup>28</sup>

## Reviewing SPD Policy

OPA worked in collaboration with SPD command staff and the Audit, Policy and Research Section (APRS) throughout the year to review and modify various Department policies. In some instances, policies were brought to OPA for input as part of the APRS three-year review cycle. In other cases, OPA worked with the Department on the annual review of policies mandated by the Consent Decree.<sup>29</sup>

OPA generally chooses to provide feedback on policies where the content intersects most with the work of the office. Feedback can be conveyed in many forms, including track changes and comments on a draft document, a meeting to discuss feedback, or a formal letter summarizing the issues.

For example, OPA submitted a letter in 2018 to indicate support for use of force policy modifications that would no longer require a Type I force investigation for an allegation of pain from handcuffs unrelated to application.<sup>30</sup> OPA research had shown that although pain from handcuffs were a large proportion of all Type I use of force complaints, 87% of these complaints were unrelated to the pain experienced during the application of the handcuffs. In addition, OPA calculated that an average force investigation on handcuffing pain takes 2.85 hours. The OPA letter conveyed these facts and the belief that SPD time should be spent on more essential law enforcement functions. This change has been incorporated into the updated version of the use of force policy.

Below are some of the SPD policies on which OPA provided feedback in 2018.

|        |  |
|--------|--|
| 5.001  | Standards and Duties   |
| 5.002  | Responsibilities of Employees Concerning Alleged Policy Violations |
| 5.003  | Front Line Investigations  |
| 6.220  | Voluntary Contacts, Terry Stops and Detentions                     |
| 8.100  | De-Escalation  |
| 8.300  | Use of Force Tools   |
| 8.400  | Use of Force Reporting and Investigation                           |
| 8.500  | Reviewing Use of Force   |
| 13.031 | Vehicle Eluding/Pursuits   |
| 16.090 | In-Car and Body-Worn Video   |

<sup>28</sup> See Section 3.29.300 of the [2017 Police Accountability Ordinance](#).

<sup>29</sup> Effective as of 2012 and for the duration of the Settlement Agreement or Consent Decree between the City of Seattle and the DOJ, SPD is required to submit specific policies, procedures, training curricula, and training manuals to the Monitor and DOJ for review and comment prior to publication and implementation. With the assistance of the Monitor, SPD must also review each specified policy, procedure, training curricula, and training manual 180 days after it is implemented, and annually thereafter (on a regularly published schedule). See the [Consent Decree](#) for more information.

<sup>30</sup> Type I use of force is force that causes transitory pain, the complaint of transitory pain, or disorientation. See the [Seattle Police Department Manual](#).





# APPENDICES

# APPENDIX A: MANAGEMENT ACTION RECOMMENDATIONS

| Topic   | OPA Recommendation  | SPD Action  | Status        |
|---|---|---|---------------|
| Activating In-Car-Video When Following an Ambulance | 1) Consider if intent of ICV policy is to require officers who are not themselves transporting a subject, but who are following another vehicle that is transporting the subject, to record that activity. 2) Evaluate the current list of law enforcement activities that are required to be recorded and determine whether that list needs to be amplified or clarified.  | SPD published an email providing guidance on this issue. The Training Cadre also reiterated this requirement during Active Threat Response and De-Escalation Tactics Training. Guidance has also been incorporated into policy.   | COMPLETED-ALL |
| Searches  | Provide Department-wide training on search and seizure law and related SPD policy. The training should specifically discuss the requirement that subjects be completely outside of the thresholds of their residences before arrests can be properly effectuated.   | As of July 2018, sergeants and above are required to review the monthly Washington State Law Enforcement Digest and provide training regarding case law and legal findings to their subordinates. Compliance will be tracked through Cornerstone.   | COMPLETED-ALL |
| Recording on Both In-Car and Body-Worn Video        | Modify policy to clarify that if officers are equipped with both ICV and BWV, they shall record on both systems.  | Guidance has been incorporated into policy. The modified language reads: "When required to record an event, both ICV and BWV will be used."   | COMPLETED-ALL |
| Collision Review Board                              | Take steps to ensure that Collision Review Board rulings are properly forwarded to the correct bureau chief. Remind SPD command staff of their obligations under to recommend potential discipline and/or re-training and to forward those recommendations to the Chief of Police in a timely manner.   | The Collision Review Board process is now more formal and controlled. An Assistant Chief reminded Executive Command Staff of their obligations regarding department vehicle collisions that specifically applied to making recommendations for training and/or discipline and notifying the Chief. Executive Command Staff also received and reviewed a copy of the collision investigation policy. | COMPLETED-ALL |
| Secondary Employment At large Events                | Either modify policy to allow for one supervisor to log in and out multiple employees working secondary employment at a largescale event or instruct employees that each is individually required to log in and out via radio. If the Department decides to use the Personnel Check-In Form, modify it to include a field for whether the employee is in uniform or plainclothes, which is information that an officer is required to provide via radio under policy. | Policy was updated to formalize an exception for large-scale events: "Employees do not have to log in when working security at Safeco Field or Century Link Field where there are on-scene SPD supervisors, and all employees are operating as a group on a radio channel separate from normal radio traffic."  | COMPLETED-ALL |

| Topic   | OPA Recommendation  | SPD Action   | Status        |
|---|---|--|---------------|
| Reporting Misconduct                          | Either train and instruct officers to perform in line with policy or amend policy to remove the requirement that an officer report misconduct to both a supervisor and OPA. If the latter, establish procedures to ensure that misconduct is still ultimately reported to OPA.  | Policy was amended to include: "Employees will report any alleged minor policy violation to a supervisor; Employees will report any alleged serious violations to a supervisor or directly to OPA."  | COMPLETED-ALL |
| Bias-Free Policing                            | Modify policy to instruct sergeants that a Bias Review is appropriate if two elements are met: (1) The sergeant believes that the allegation of bias is without merit. (2) OPA's contact information has been offered and the complainant either did not wish to proceed with a complaint or did not respond. Where complainants are reasonably believed to be experiencing homelessness, supervisors should provide OPA contact information directly to the complainants. The Department should also reaffirm in training the policy's requirement that supervisors provide specific information to complainants regarding how to file OPA complaints.   | Policy was revised and all recommendations were incorporated.  | COMPLETED-ALL |
| Using Tasers on Fleeing, Non-Violent Subjects | Amplify the Taser training to include the following: (1) Additional scenarios involving fleeing subjects. (2) More content on the potential risks of harm when a Taser is used on a fleeing subject, particularly a suspect running at full speed on a hard surface. (3) Clearer guidance as to what constitutes an imminent risk of harm justifying use of a Taser. (4) More explicit explanations of what constitutes "public safety interests" and what conduct is sufficient to meet the requisite "level of resistance" from the subject. (5) Clearer instruction as to expectations in this area and evaluating whether a bright-line rule can be applied. (6) Clarity on which situations Taser warnings are required. | The topics listed were re-emphasized in the initial and re-certification Taser training by the Education and Training Section. No policy revisions have been done, but this may be considered for the early 2019 Use of Force policy review.   | COMPLETED-ALL |
| DUI Training                                  | Consider retraining all patrol officers concerning: DUI arrests, generally; How to conduct sobriety tests; Usage of Preliminary Breath Tests (PBTs); Usage of Blood Alcohol Content (BAC) machines and the printing of BAC tickets; Requirements for the contents and submittal of DUI packets.   | The Education and Training Section, in partnership with Miriam Norman our Traffic Safety Resource Prosecutor, has developed a 4-part Impaired Driving Roll-Call training to present to patrol over the next two years. Although developed, this training is still being looked at for the appropriate delivery mechanism, i.e. roll-call, eLearning, or facilitated classroom. | COMPLETED-ALL |

| Topic                      | OPA Recommendation  | SPD Action   | Status         |
|----------------------------|---|--|----------------|
| Specialty Unit Manuals     | Ensure that all units that utilize specialty weaponry, including SWAT, maintain accurate and up to date training records, as well as manuals that contain an inventory and specific guidance for each weapon.   | In 2018 SWAT began drafting updates to their existing Unit Manual. APRS provided SWAT with assistance, and in March 2019, SWAT finalized the updated manual except for portions that need to be bargained with labor.  | COMPLETED-ALL  |
| Handling Evidence          | (1) Modify policy to define what an authorized evidence storage location is and clarify that personal offices are not such authorized locations. (2) Modify the FIT Manual to: Clarify that officers will, as soon as feasible, take case evidence to the Evidence Unit; Indicate what, if any, other authorized evidence storage locations exist in the FIT unit, noting that evidence should never be stored in personal offices; Provide more detail on expectations for evidence handling; More clearly define the expectations for the FIT sergeant (such as memorializing the requirement that the FIT sergeant check-in with Detectives to determine the location and status of evidence and firearms); Train FIT Detectives and supervisors in evidence handling. (3) Modify policy to include unit manuals as one of the types of regulations to which officers must adhere. (4) Reevaluate the current FIT practice of taking possession and maintaining custody of handguns. | FIT no longer does the round count on the handguns – this task has been fully turned over to the CSI unit to handle with all other evidence. FIT detectives have been trained/reminded on evidence handling procedures. The SPD Evidence Unit is the only storage facility that FIT uses. The temporary evidence storage cabinet in the FIT office is no longer used for evidence. | COMPLETED-ALL  |
| Foot Pursuits              | (1) Develop a policy on when foot pursuits of suspects are appropriate. (2) Evaluate whether officers are expected to engage in such pursuits when the subject is suspected of a misdemeanor or of only committing a citable offense. (3) Provide guidance as to when the risk of harm to officers, the subject, and the public outweighs the law enforcement interest in effectuating an arrest. (4) Consider what force is appropriate during such pursuits.  | The lessons learned from these incidents have been incorporated into training. Scenario training includes foot pursuits and decision-making of when it is reasonable to pursue and when not to pursue, balancing the offense at hand, and the risk to the subject, the officer, and other persons. The session is mandatory training for all officers.                             | COMPLETED-SOME |
| Patrol Officer Inspections | Modify policy to clarify the frequency with which a patrol sergeant shall perform inspections to ensure that their officers are carrying the appropriate equipment and determine that the equipment is functioning properly. Train patrol sergeants on their responsibility to perform inspections, including how to conduct an inspection and the frequency with which to conduct them.  | An email was sent addressing uniform standards and inspections.  | COMPLETED-SOME |

| Topic                           | OPA Recommendation   | SPD Action  | Status          |
|---------------------------------|--|---|-----------------|
| Terry Template                  | Clarify that when officers perform a Terry stop, a Terry template is required every time regardless of whether the officers had probable cause to arrest at the time of the Terry stop. Include that this requirement is memorialized in ordinance and cite to SMC 14.11.060(C).   | SPD consulted with the Chief Legal Officer and the Policy Committee regarding this specific case and concluded that a Terry template was not required where probable cause already existed, and therefore a policy revision addressing this matter is not required.   | DECLINED ACTION |
| Acting Sergeants                | Modify policy to require that captains send officers to sergeant training prior to any acting sergeant assignment.   | SPD does not support changing policy at this time that would mandate having acting sergeants (who serve less than 60 days in that capacity) attend supervisor training. It would be very difficult to train all temporary fill-in acting sergeants and would place an impossible burden on the Education and Training Section. All officers are required to be familiar with policy whether as an acting supervisor or not.   | DECLINED ACTION |
| Scheduling Training             | Shift the responsibility for scheduling and re-scheduling trainings to employees from supervisors. Officers should receive training in this regard to make sure that scheduling and re-scheduling is done correctly and that training attendance remains high.   | It is necessary to have supervisors manage when a subordinate employee will be attending in-service training. The supervisor is in a much better position of monitoring training needs and goals. If the supervisor is left out of this loop, the supervisor is at a distinct disadvantage with that employee and their ongoing development. Supervisors are more likely to register their employees early, rather than wait until the end of the training cycle, and then learn that there are no available dates. This allows SPD to calculate how many classes are needed to get everyone trained. There are fewer people missing training now that supervisors are more in-tune with what training their employees are attending. | DECLINED ACTION |
| Involvement in Vehicle Pursuits | Clarify whether "involved" officers include those who are engaging in a pursuit but are only doing so to ensure the safety of officers who are actively pursuing. If this is the case, explicitly indicate that these officers are required to complete BlueTeam Vehicle Pursuit entries.  | Policy language is clear as it pertains to the scenario presented in this case and does not warrant change at this time.  | DECLINED ACTION |
| High-Risk Felony Stops          | Draft a policy regarding when it is appropriate for officers to conduct high-risk felony stops and what conduct officers may engage in during those stops. Clarify whether once reasonable suspicion for a Terry stop has dissipated, an officer remains permitted to request identifying information from a handcuffed and detained individual. | This is a training issue rather than a policy issue. SPD believes the law and policy are clear on the second item about Terry stops on vehicles and doesn't believe they need to clarify policy.  | DECLINED ACTION |

| Topic                                | OPA Recommendation   | SPD Action  | Status          |
|--------------------------------------|--|---|-----------------|
| De-Escalation                        | Revise, clarify, and improve policy. Train on de-escalation and related tactics to ensure that SPD is providing needed clarity and rules of conduct for officers. Involve OPA, CPC, and OIG at the research, deliberation and drafting stages of this policy. Training should include a discussion of officer decision-making when using force. Better train officers within use of force and de-escalation tactics to consider downstream consequences of their actions prior to using force. | No explanation provided.  | DECLINED ACTION |
| In-Car and Body-Worn Video Equipment | Amend policy to explain how officers are expected to verify that their ICV mics and BWV systems are fully charged and to inform officers what the appropriate level of charging is prior to them utilizing those systems in the field. Add to policy that sergeants will bear some responsibility for verifying that the wireless microphone batteries are charged.  | The described circumstance appears to be an unanticipated equipment failure. This is a rare occurrence with COBAN microphones. A system check of the microphone would not have conclusively revealed low charge capacity or impending failure of the battery. A policy change is not advised at this time. The policy and practices that are in place are designed to ensure proper battery charging and functioning but cannot prevent occasional equipment failures.  | DECLINED ACTION |
| In-Car and Body-Worn Video Exception | Evaluate whether an exception should be built into policy to permit turning off and then re-activating ICV in certain circumstances.   | MAR is inconsistent with Washington State law, thus, there will be no policy change at this time.   | DECLINED ACTION |
| Secondary Employment Permits         | Consider revising policy to make it clear that a permit is required for secondary employment, even if that secondary employment is engaged in on a volunteer basis or if the officer is not receiving compensation for the work.   | Department policy specifies that working as an officer in an off-duty capacity requires a secondary work permit. Donations of pay for such off-duty work is a personal decision.  | DECLINED ACTION |
| Social Media                         | Modify policy to define "release" as it pertains to SPD employees disseminating information to the media via social media. The definition should clarify that a "release" includes posting law enforcement information on social media.  | This is not a 'media release' under Section 1.110. The more relevant policy would be 5.125, which addresses information dissemination, specifically, POL2(2), which states, in part, "Employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department." Other sections that may also be relevant, depending upon the facts not delineated here are records release prohibitions under 12.050 Criminal Justice Information Systems and 6.290 Juvenile Investigations and Arrests. | DECLINED ACTION |
| Searches                             | Clarify and communicate to officers whether warrantless searches of vacant homes are permissible and, if so, under what circumstances.   | Received November 29, 2018.   | IN-PROGRESS     |



| Topic                                | OPA Recommendation  | SPD Action                   | Status      |
|--------------------------------------|---|------------------------------|-------------|
| In-Car and Body-Worn Video           | Amplify training to provide additional guidance on when officers may record in “sensitive areas.” Articulate whether responses to resistant arrestees, ongoing or impending uses of force, and other like activity constitute such a “direct law enforcement purpose,” and include relevant examples in the training.   | Received November 29, 2018.  | IN-PROGRESS |
| Search Warrant Exception             | Modify policy to include the community caretaking/Emergency Doctrine exception to the search warrant requirement as set forth in caselaw (State v. Holeman).  | Received November 29, 2018.  | IN-PROGRESS |
| Use of Force Reporting               | Add “complaint of contact with a subject’s neck” as a trigger for Type I Use of Force reporting and investigation to ensure that such complaints will be critically reviewed in all cases moving forward. Alternatively, consider creating a separate reporting event for such an occurrence, similar to the Handcuff Discomfort report, to document and critically review such complaints.   | Received November 15, 2018.  | IN-PROGRESS |
| Electronic Vehicle Charging Stations | Create a policy or explicit guidance on using Department electric charging stations for personal vehicles; provide notice to all SPD employees via an email or e-learning.  | Received November 15, 2018.  | IN PROGRESS |
| Emergency Vehicle Operations         | Amend policy to allow for an exception to the use of lights and sirens during emergency vehicle operations when it would jeopardize an approved vehicle operation.  | Received November 15, 2018.  | IN-PROGRESS |
| Follow-Up Investigations             | Amend policy to require that reports generated during follow-up investigations be complete, thorough, and accurate. Require that a Case Investigation Report be completed in every follow-up investigation, regardless of whether the case will be prosecuted. Include the requirement that all witnesses’ interviews or the fact that a witness interview was attempted be documented. Investigations Bureau should provide all investigations personnel with a manual setting forth examples of reports that show expectations. Amend to account for the practice of video recording interviews. Update to require Department employees to document in an appropriate report when they have conducted and created a video recorded interview. | Received September 29, 2018. | IN-PROGRESS |

# APPENDIX B: APPEALS AND GRIEVANCES

Appeals are listed from oldest to newest. Previously reported cases that have been settled or withdrawn are not included.

| Case         | Nature of Appeal | Allegations  | Disciplinary Decision | Appeal Date | Change or Final Decision   |
|--------------|------------------|--|-----------------------|-------------|--|
| 2014OPA-0216 | DRB              | Use of Force: When Authorized; Use of Force: When Prohibited         | Termination           | 11/18/2016  | Termination converted to 15-day appeal; currently on appeal (11/19/2018) |
| 2015OPA-0655 | DRB              | Use of Force: Necessary and Reasonable; Conformance to Law           | 10-day suspension     | 8/22/2016   | Pending  |
| 2015OPA-1586 | DRB              | Performance of Duty;   | 3-day suspension      | 9/04/2016   | Pending  |
| 2015OPA-1859 | DRB              | Use of Force: De-Escalation  | 1-day suspension      | 10/05/2016  | Pending  |
| 2016OPA-0400 | Arbitration      | Use of Force Tools   | Oral reprimand        | 12/13/2016  | Pending  |
| 2016OPA-0497 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 12/14/2016  | Pending  |
| 2015OPA-1464 | Arbitration      | Professionalism  | Written reprimand     | 12/14/2016  | Pending  |
| 2016OPA-0439 | DRB              | Professionalism  | 10-day suspension     | 02/22/2017  | Pending  |
| 2016OPA-0518 | DRB              | Property and Evidence  | 1-day suspension      | 03/21/2017  | Pending  |
| 2015OPA-1897 | DRB              | In-Car and Body-Worn Video   | 1-day suspension      | 05/30/2017  | Pending  |
| 2016OPA-1064 | DRB              | Stops, Detentions and Arrests;                                       | 4-day suspension      | 07/10/2017  | Pending  |
| 2016OPA-1162 | DRB              | Primary Investigations; Conformance to Law; Discretion and Authority | 7-day suspension      | 07/10/2017  | Pending  |
| 2017OPA-0197 | Arbitration      | Training, Qualification, and Certification                           | Written reprimand     | 08/25/2017  | Pending  |
| 2016OPA-0519 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 08/25/2017  | Pending  |
| 2016OPA-0664 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 08/25/2017  | Pending  |
| 2016OPA-0575 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 08/25/2017  | Pending  |
| 2016OPA-0438 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 09/01/2017  | Pending  |
| 2016OPA-1139 | Arbitration      | Searches: Search Warrant Exception                                   | Written reprimand     | 09/01/2017  | Pending  |
| 2017OPA-0040 | Arbitration      | Investigations and Reports   | Written reprimand     | 09/28/2017  | Pending  |
| 2017OPA-0112 | DRB              | Use of Force: De-Escalation; Use of Force: When Authorized           | 1-day suspension      | 11/17/2017  | Pending  |
| 2017OPA-0153 | DRB              | Use of Force: Reporting Professionalism                              | 2-day suspension      | 11/17/2017  | Pending  |
| 2017OPA-0198 | Arbitration      | Training, Qualification and Certification                            | Oral reprimand        | 12/21/2017  | Pending  |
| 2017OPA-0372 | DRB              | Bias-Free Policing   | Written reprimand     | 12/01/2017  | Pending  |
| 2017OPA-0453 | Arbitration      | In-Car and Body-Worn Video   | Written reprimand     | 01/26/2018  | Pending  |
| 2017OPA-0699 | Arbitration      | Training, Qualification, and Certification                           | Oral reprimand        | 02/08/2018  | Pending  |

| Case         | Nature of Appeal | Allegations                               | Disciplinary Decision                | Appeal Date | Change or Final Decision |
|--------------|------------------|---|--------------------------------------|-------------|--------------------------|
| 2017OPA-0270 | DRB              | Discretion and Authority                  | 1-day suspension                     | 02/16/2018  | Pending                  |
| 2017OPA-0568 | DRB              | Investigations and Reports                | 9-day suspension                     | 02/16/2018  | Pending                  |
| 2017OPA-0520 | Arbitration      | In-Car and Body-Worn Video                | Written reprimand                    | 02/20/2018  | Pending                  |
| 2017OPA-0617 | Arbitration      | In-Car and Body-Worn Video                | Written reprimand                    | 02/20/2018  | Pending                  |
| 2017OPA-0700 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0691 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0692 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0693 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0701 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0567 | Arbitration      | Bias-Free Policing                        | Sustained finding                    | 02/21/2018  | Pending                  |
| 2017OPA-0694 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0702 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0698 | Arbitration      | Training, Qualification and Certification | Oral reprimand                       | 02/21/2018  | Pending                  |
| 2017OPA-0697 | Arbitration      | Training, Qualification and Certification | Written reprimand                    | 03/06/2018  | Pending                  |
| 2017OPA-1010 | Arbitration      | In-Car and Body-Worn Video                | Written reprimand                    | 03/22/2018  | Pending                  |
| 2017OPA-0550 | DRB              | Use of Force: Reporting and Investigation | 10-day suspension                    | 04/19/2018  | Pending                  |
| 2017OPA-0868 | DRB              | Integrity and Ethics                      | 7-day suspension                     | 04/19/2018  | Pending                  |
| 2017OPA-0898 | Arbitration      | Investigations and Reports                | Sustained finding                    | 05/04/2018  | Pending                  |
| 2017OPA-0999 | Arbitration      | Force-Investigation                       | Written reprimand                    | 05/04/2018  | Pending                  |
| 2017OPA-1101 | DRB              | Vehicle Eluding/Pursuits                  | 4-day suspension                     | 06/07/2018  | Pending                  |
| 2017OPA-0998 | DRB              | Integrity and Ethics                      | Termination                          | 06/21/2018  | Pending                  |
| 2017OPA-1059 | DRB              | Use of Force: When Authorized             | Termination                          | 07/26/2018  | Pending                  |
| 2017OPA-1283 | DRB              | Stops, Detentions and Arrests             | 2-day suspension                     | 11/05/2018  | Pending                  |
| 2018OPA-0144 | DRB              | Retaliation and Harassment                | 15-day suspension                    | 11/05/2018  | Pending                  |
| 2018OPA-0063 | Arbitration      | Supervisory Responsibility                | Closure letter and sustained finding | 11/20/2018  | Pending                  |

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