

Discipline Audit

DEBRIEF OF FINDINGS

Objective and Scope

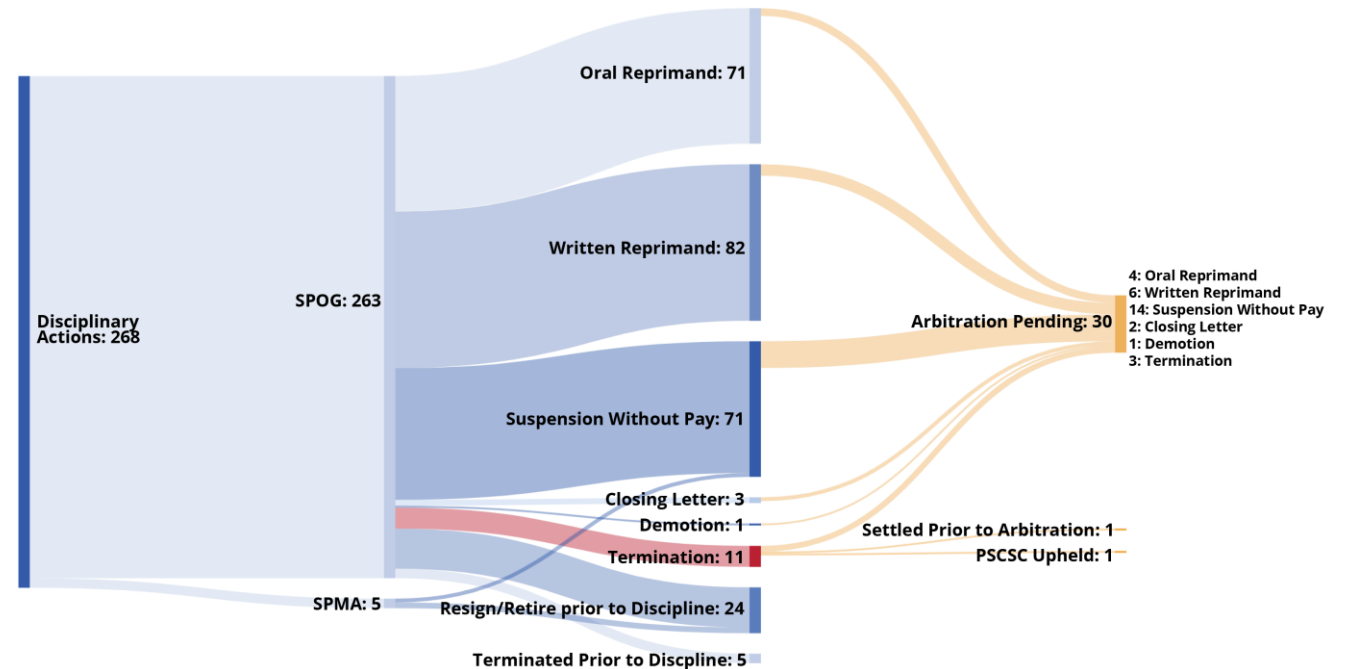
Objective

- To assess provision 3.29.420 (A) of the Accountability Ordinance: “SPD disciplinary, grievance, and appeal policies and processes shall be timely, fair, consistent, and transparent.”

Primary Scope

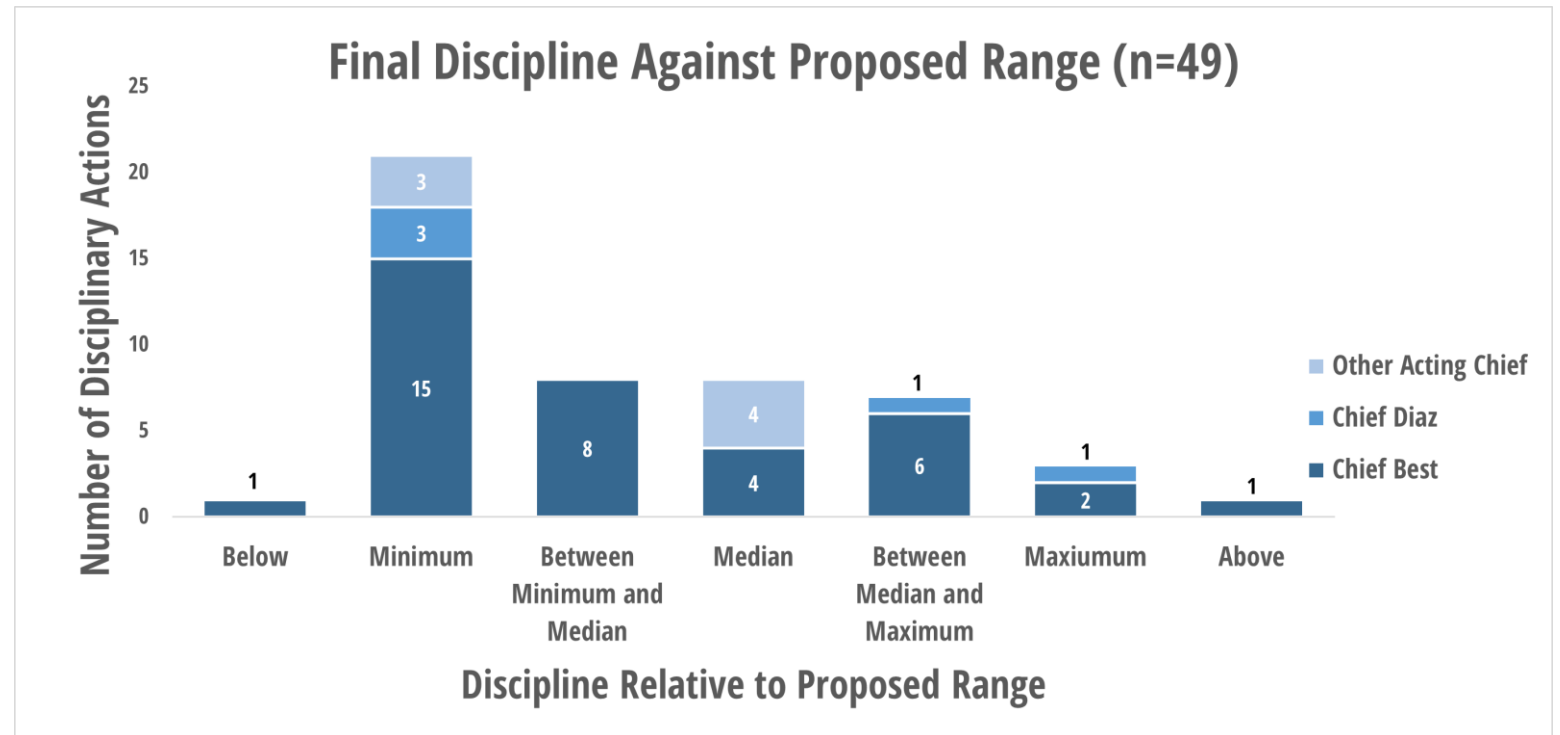
- Disciplinary Actions from January 1, 2018 to March 24, 2021

All Disciplinary Actions - January 1, 2018 to March 24, 2021



Proposal and Determination of Discipline

- Chiefs have tended toward the bottom of proposed disciplinary ranges (p. 7)
- OPA has rarely recommended that complainants meet with the Chief (p. 8)
- Prior discipline not often a factor in promotions (p. 11)
- Chiefs generally apply progressive discipline, though limitations exist (p. 9)



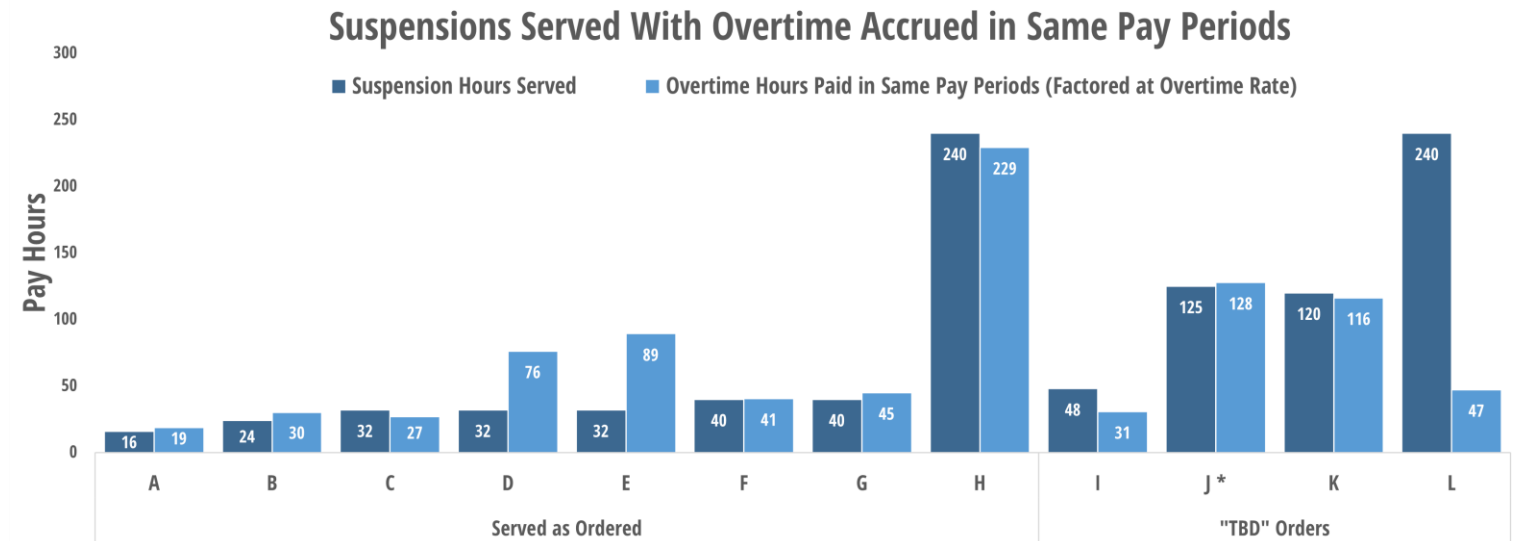
Accountability for Minor Violations

- OPA’s use of Sustained / Not Sustained is not based on whether a violation occurred (p. 13)
- OPA lacks a “No Discipline” option for Sustained findings, meaning many minor violations of policy wind up as ‘Not Sustained Training Referrals’ (p. 13)
- Training Referrals are subject to inconsistent recording practices that may impact accountability (p. 17)

Policies with more than 10 Training Referrals	% of all Training Referrals within audit scope
5.001 - Standards and Duties	20%
16.090 - In-Car and Body-Worn Video	11%
15.180 - Primary Investigations	7%
8.400 - Use of Force Reporting and Investigation	7%
5.140 - Bias Free Policing (Primarily Reporting)	6%
15.410 - Narcotics Activity Report	6%
13.031 - Vehicle Eluding/Pursuits	6%
6.220 - Voluntary Contacts, Terry Stops & Detentions	6%

Enforcement of Discipline

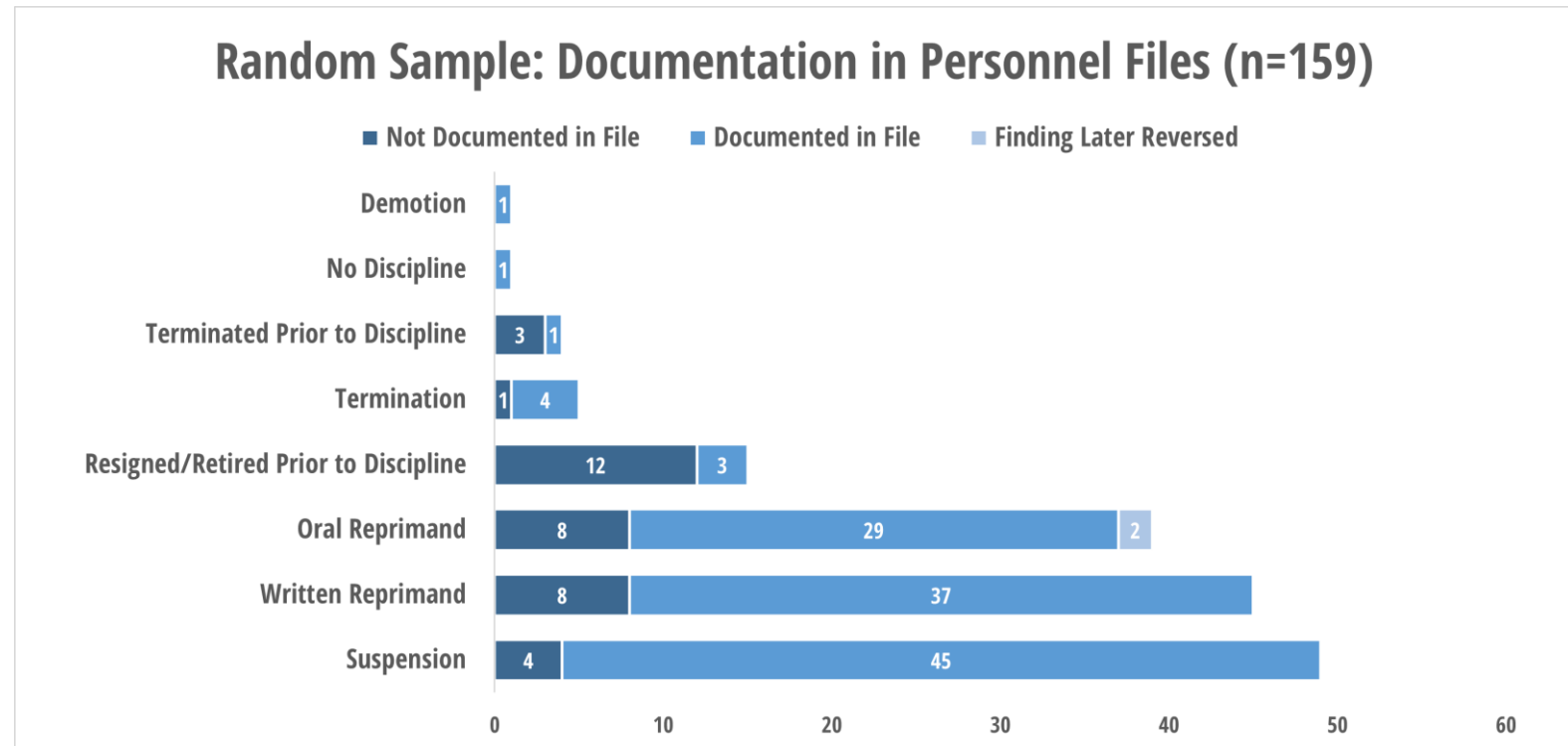
- Suspensions are not consistently served in a timely manner, in some cases mitigating the financial impact of discipline (p. 20)



Individual Suspensions (n=12)
(*) Suspension not yet complete at time of fieldwork

Disciplinary Records

- Significant number of Disciplinary Action Reports (DAR)s were not maintained in personnel files (p. 23)
- Department discovered failure to flag disqualifying behavior to Washington State Criminal Justice Training Commission (WSCJTC) for several terminated officers between 2015-2020 (p. 26)



Communicating Case Resolution with Complainants

OPA had several lapses in administrative process leading to poor communication with complainants

- Complainants experienced significant delays receiving Closed Case Summaries where there was a sustained finding (p. 28)
 - 2018 – 101 Day Average
 - 2019 – 70 Day Average
 - 2020 – 75 Day Average
- OPA did not notify complainants of appeals or appeal resolutions from 2016 through mid-2020 (p. 29)
- Individuals directly affected by misconduct were often not notified of the existence or resolution of a case if they were not the original complainant (p. 29)

Arbitration and Alternatives

Few cases have gone to arbitration under the current CBA / within our audit scope. However, we discussed multiple areas related to appeals:

- SPOG arbitration has a significant backlog, enabled by poorly defined deadlines in the CBA (p. 37)
- SPOG arbitrator selection does not preclude manipulation of the arbitration roster (p. 36)
- Public Safety Civil Service Commission (PSCSC) does not present a significantly different standard of review from arbitration (p. 31)

Other Report Findings / Matters for Consideration

- Effectiveness of ‘comparable’ cases as a framework for disciplinary recommendations varies by case type. Change to a disciplinary matrix may resolve some issues but create others (p. 6)
- Chiefs are not required to follow Accountability Ordinance notification requirements (Mayor, City Council, etc.) when going outside a recommended disciplinary range (p. 10)
- SPD lacks adequate controls to prevent employees from working overtime on suspension days (p. 22)
- WSCJTC, Law Enforcement Officers Safety Act (LEOSA), and Special Commission documentation were not maintained in personnel files (p. 25)
- Chiefs approved LEOSA applications for two former employees who appear to have been ineligible (p. 25)
- SPD has not yet developed ongoing internal monitoring of disciplinary or complaint data – however data was only recently certified for use (p. 27)
- PSCSC lacks capacity and resources to function as a sole route of appeal (p. 34)