



# SEATTLE CITY COUNCIL

## Public Safety and Human Services Committee

### Agenda

Tuesday, June 9, 2020

9:30 AM

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

Lisa Herbold, Chair  
M. Lorena González, Vice-Chair  
Andrew J. Lewis, Member  
Tammy J. Morales, Member  
Kshama Sawant, Member  
Alex Pedersen, Alternate

Chair Info: 206-684-8801; [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Public Safety and Human Services Committee**  
**Agenda**  
**June 9, 2020 - 9:30 AM**

**Meeting Location:**

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

**Committee Website:**

<http://www.seattle.gov/council/committees/public-safety-and-human-services>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

*In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28.4 until June 17, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.*

**Register online to speak during the Public Comment period at the 9:30 a.m. Public Safety and Human Services Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.**

**Online registration to speak at the Public Safety and Human Services Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.**

**Submit written comments to Councilmember Herbold at [Lisa.Herbold@seattle.gov](mailto:Lisa.Herbold@seattle.gov)**

**Sign-up to provide Public Comment at <http://www.seattle.gov/council/committees/public-comment>**

**Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>**

**Listen to the meeting by calling the Council Chamber Listen Line at 206-684-8566**

*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

(15 minutes)

Register online to speak during the Public Comment period at the 9:30 a.m. Public Safety and Human Services Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

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**D. Items of Business**

**1. Office of Police Accountability (OPA) 2019 Annual Report**

Supporting Documents: [OPA 2019 Annual Report](#)

**Briefing and Discussion** (30 minutes)

**Presenter:** Andrew Myerberg, Director, Office of Police Accountability

**2. Office of Inspector General (OIG) 2019 Annual Report**

Supporting Documents: [OIG 2019 Annual Report](#)

**Briefing and Discussion** (30 minutes)

**Presenter:** Lisa Judge, Inspector General, Office of Inspector General

**E. Adjournment**



Legislation Text

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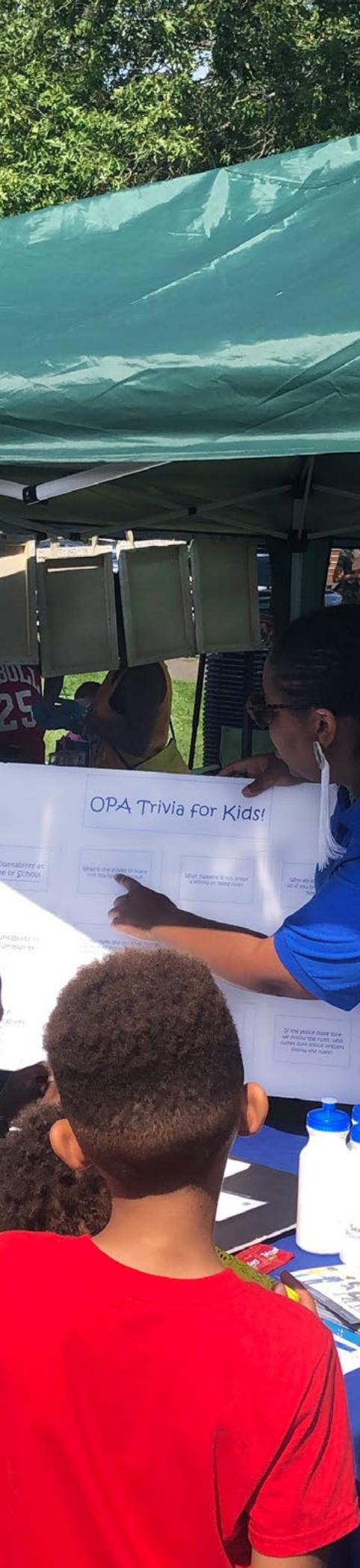
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Office of Police Accountability (OPA) 2019 Annual Report

# Office of Police Accountability

2019 Annual Report





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# Executive Summary

**In 2019, the Office of Police Accountability (OPA) embraced change and worked to improve the police accountability system for both community members and Seattle Police Department (SPD) employees. Here are a few highlights.**

## Civilianizing OPA Leadership

OPA fully civilianized its leadership and supervisors in an effort to increase the community's confidence in OPA's objectivity and to comply with legal mandates. The organization is now led by a civilian director, deputy director of investigations, and deputy director of public affairs. OPA also hired a civilian investigations supervisor to supervise its investigators.

## Empowering SPD Supervisors

OPA developed a program in which SPD supervisors could review and document complaints that are clearly refuted by evidence, then screen the incidents with OPA to determine whether a formal complaint referral is required. This increased supervisors' involvement with the accountability system and improved the quality of their reviews.

## Addressing Serious Misconduct

OPA focused its efforts on investigating allegations of serious misconduct. This was achieved via a system-wide agreement to shift the handling of minor policy violations back to the chain of command, as well as screening out allegations that lacked a factual basis.

## Engaging with the Community

OPA increased community awareness and understanding of its services by conducting or participating in 91 educational and outreach activities. To assist with this, OPA created a suite of outreach materials in various languages that provide information and guidance on issues like how to file a complaint.



# Facts at a Glance



Received **928** complaints



**1 in 5** allegations was for unprofessional behavior



Investigated **36%** of all complaints



**40%** of sworn employees received at least one complaint



Completed **99%** of investigations on time



Resolved **13** cases through alternative dispute resolution



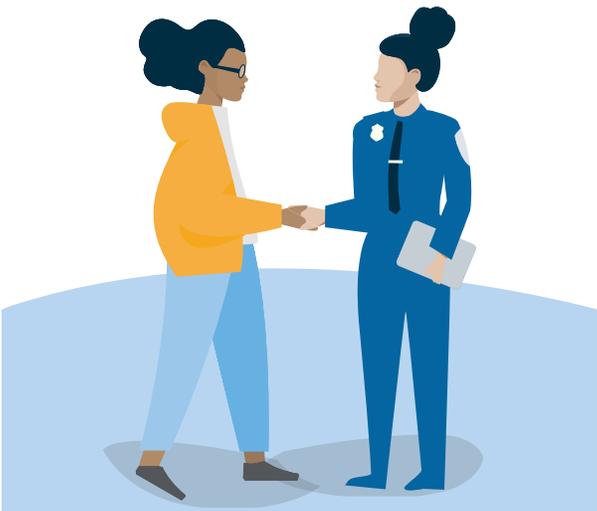
Issued **28** policy recommendations



Attended **91** community outreach events



Translated outreach materials into **5** languages



OPA has authority over allegations of misconduct involving SPD employees relating to SPD policy and federal, state, and local law. OPA investigates complaints and recommends findings to the Chief of Police. OPA is led by a civilian director and supervisors, while its investigations are carried out by SPD sergeants.

### Core Functions

- Establishing and managing processes to initiate, receive, classify, and investigate individual allegations of SPD employee misconduct
- Promoting public awareness of, full access to, and trust in OPA complaint processing
- Identifying SPD system improvement needs and recommending effective solutions
- Helping reduce misconduct and enhancing employee conduct

# About OPA

## Vision, Mission, & Values

**OPA's vision is to safeguard a culture of accountability within SPD.**

Our **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.

Our **values** guide employee conduct and organizational culture in the pursuit of the OPA mission:

### 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

## Seattle Police Accountability System

The City of Seattle has a three-pronged police oversight system consisting of OPA, the Community Police Commission (CPC), and the Office of Inspector General for Public Safety (OIG). Together, all three entities work to generate public trust in SPD and uphold a culture of accountability and adherence to policy and constitutional law.



Figure 1: Seattle's police accountability system

*OPA is administratively within SPD but physically and operationally independent.*

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

## Oversight of OPA

The OIG reviews OPA's proposed classification decisions for certain types of cases.<sup>1</sup> In addition, OPA submits all completed investigations to the OIG for review and certification before issuing findings. During this investigation review, the OIG can direct OPA to conduct further investigation prior to certifying the investigation.

In accordance with the Consent Decree's Phase II Sustainment Plan period, OPA participated in the Seattle Police Monitor's Follow-up Review of OPA in 2019.<sup>2</sup> The assessment found that various improvements had been made to OPA investigations since the last assessment in January 2016.<sup>3</sup> Of particular note was that OPA met the 180-day investigation timeline in 95% of the cases assessed.<sup>4</sup>

1. OIG reviews proposed Contact Log, Expedited Investigation, and Rapid Adjudication classifications.
2. The assessment evaluated OPA investigations closed between June 1, 2018, and May 31, 2019, involving sworn personnel. The full report can be found at [seattle.gov/Documents/Departments/OPA/Reports/Seattle-Police-Monitor-Follow-up-Review-01-10-2020.pdf](https://seattle.gov/Documents/Departments/OPA/Reports/Seattle-Police-Monitor-Follow-up-Review-01-10-2020.pdf).
3. The document can be viewed at [seattle.gov/Documents/Departments/OPA/Special-Reports/SPD\\_Monitor\\_4th\\_Systemic\\_Assessment\\_OPA\\_012216.pdf](https://seattle.gov/Documents/Departments/OPA/Special-Reports/SPD_Monitor_4th_Systemic_Assessment_OPA_012216.pdf).
4. The Monitor's Fourth Systemic Assessment of OPA in January 2016 found one-fourth of OPA cases to be untimely.

OPA also worked closely with consultants hired by the City to assess the state of the accountability system with a focus on officer discipline and the disciplinary appeals process.<sup>5</sup> OPA provided data and explanations concerning its processes, use of force investigations, and disciplinary appeals. The consultants' resulting report found the accountability system and disciplinary appeals processes to be sound, but also recommended areas for improvement. Specifically, the consultants recommended changes to the 180-day investigation time limit for criminal cases, fixes to the arbitration process, and more transparency of disciplinary appeals.<sup>6</sup>

## Staff & Organizational Structure

OPA reorganized its staffing structure in 2019 by establishing an investigations team and a public affairs team, both managed by a respective deputy director. In late May, OPA became fully civilian-led, in accordance with the 2017 Police Accountability Ordinance, when OPA's sworn leadership—two lieutenants and a captain—returned to other SPD assignments.<sup>7</sup>

*In late May,  
OPA became  
fully civilian-led.*

In addition to reconfiguring existing staff roles and titles, OPA created three new civilian positions in 2019, including an investigations supervisor, an investigations advisor, and an operations advisor. After the restructuring, OPA staff consisted of 9 sworn investigators—holding the rank of sergeant—and 15 civilian staff assigned to administrative, community engagement, policy and data analysis, operational management, and leadership positions.<sup>8</sup>

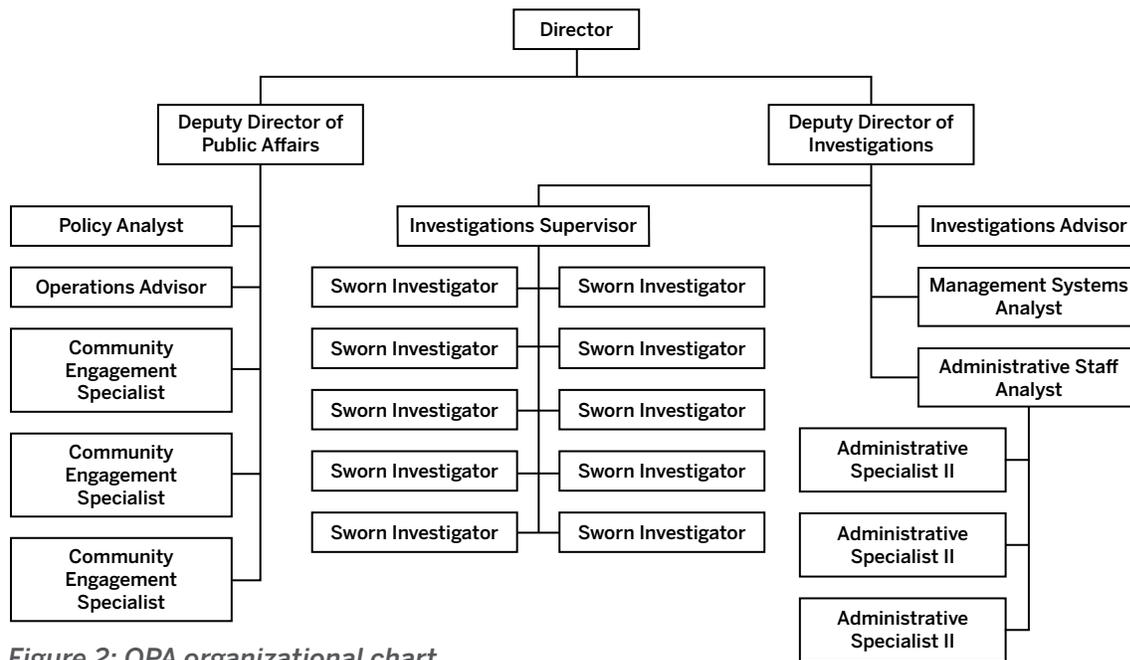


Figure 2: OPA organizational chart

5. This assessment was completed in response to an order from the United States District Court that found aspects of the City's current regime to be out of compliance with the Consent Decree due to concerns about the disciplinary appeals process and its impact on accountability.

6. The full 21CP report is available at [seattle.gov/Documents/Departments/OPA/Reports/21CP-Solutions-Assessment-of-Seattle-Police-Accountability-System-December-2019.pdf](http://seattle.gov/Documents/Departments/OPA/Reports/21CP-Solutions-Assessment-of-Seattle-Police-Accountability-System-December-2019.pdf).

7. See the 2017 Police Accountability Ordinance at [seattle.gov/Documents/Departments/OPA/Legislation/2017AccountabilityOrdinance\\_052217.pdf](http://seattle.gov/Documents/Departments/OPA/Legislation/2017AccountabilityOrdinance_052217.pdf).

8. OPA also had one sworn investigator on a temporary loan from another unit during 2019, bringing the total to 10.

## Training & Professional Development

OPA is committed to educating staff on the realities of policing, providing relevant and up-to-date training, and supporting professional success. OPA encourages staff to have a growth mindset and seek out training and professional development opportunities through the City and external providers.

In 2019, OPA and other system partners collaborated with a consultant on the development and implementation of new training for investigative staff on conducting interviews. This partnership will continue in 2020 as OPA institutionalizes this instruction via adoption of a train-the-trainer model. Investigations staff also attended a variety of conferences and other trainings, including:

- Interview Techniques (Washington State Criminal Justice Training Commission, or WSCJTC)
- Investigating and Responding to Officer Involved Shootings (Washington Homicide Investigators Association, or WHIA)
- Strategies for Conducting Interviews with Officers Webinar (National Association for Civilian Oversight of Law Enforcement, or NACOLE)
- Scientific Content Analysis Advanced Workshop (Laboratory for Scientific Interrogation)
- Managing and Conducting Internal Affairs Investigations Seminar (FBI-LEEDA)
- WHIA Annual Conference
- Internal Affairs and Professional Standards (WSCJTC)
- Constitutional Use of Force (WSCJTC)
- Force Science Certification (Force Science Institute)

In addition, leadership conducted two site visits—to Los Angeles and New York City—to learn how those jurisdictions handle allegations of police misconduct. Civilian staff also participated in and attended a variety of other trainings and conferences, including:

- Presentation Skills Training (Jim Sorensen Consulting)
- Data Visualization Online Training (Data Depict Studio)
- Crisis Intervention, Defensive Tactics, Crowd Management, and Canine (SPD)
- Mediation Practicum (King County Alternative Dispute Resolution)
- NACOLE Annual Conference
- Writing Policies and Procedures (Peabody Communications)
- Managing to Change the World (Management Center)
- International Association of Chiefs of Police Annual Conference
- Writing About Your Profession (Hugo House)
- Essentials of Human Resources (Society for Human Resources Management)
- Leadership Development Program (Center for Creative Leadership)
- IAPro Users Annual Conference

*In 2019, nine OPA civilian personnel attended a total of 18 ride-alongs with SPD officers to expand their knowledge of policing policies.*

# Complaints

## Complaints Received

Every contact made with OPA is documented in an electronic tracking system and reviewed to determine next steps. Communication with OPA can be initiated by anyone, including anonymously, and is 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 2019, OPA received 928 complaints.

The number of external complaints originating from the public was consistent with the number of external complaints OPA received in 2018. In contrast, OPA experienced a reduction in the number of internally-generated complaints in 2019. Internal complaints are those either initiated by an SPD employee or forwarded from within SPD on behalf of a member of the public.

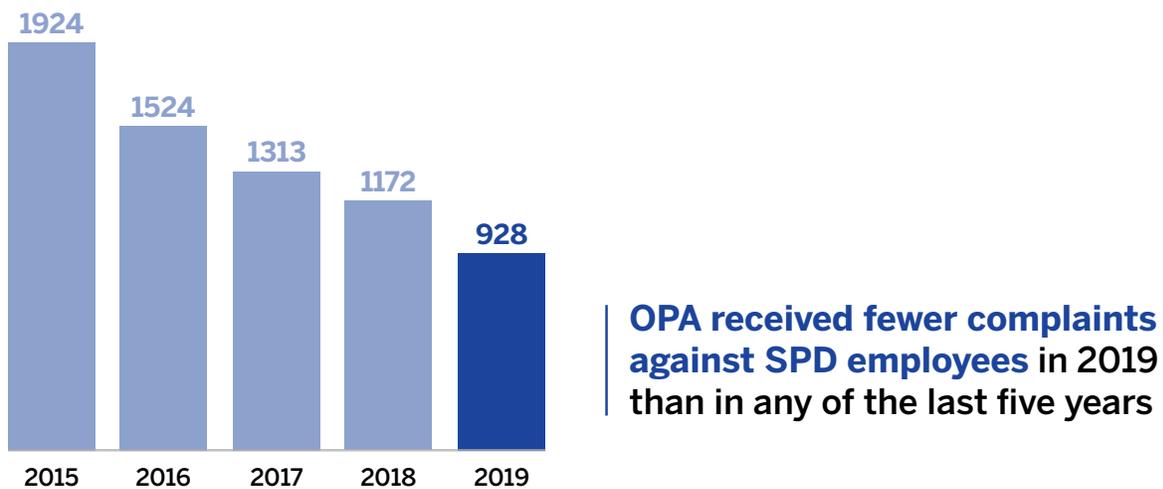
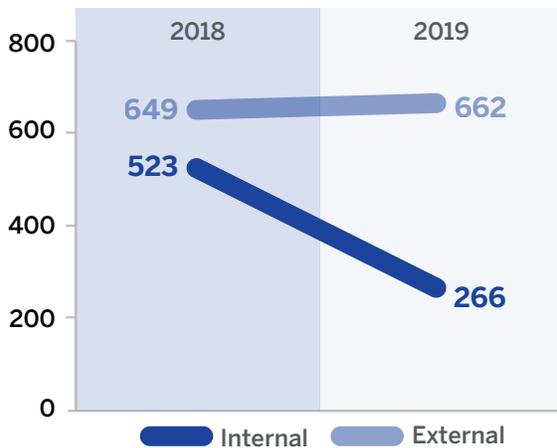


Figure 3: Number of complaints received by year (2015-2019)

### Data Collection

Data for this report was collected between January 28, 2020, and March 17, 2020, from OPA's records management database, IAPro. This report reflects accurate and complete data as of April 15, 2020, the date the report was published. Since OPA uses dynamic, live databases, the recorded allegation, finding, and case disposition numbers presented here are subject to future revision. Likewise, historical data presented may vary slightly from figures presented in previous OPA reports due to changes in processes and reporting.

9. In April 2017, OPA began consolidating contacts that did not fall within its jurisdiction, including complaints unrelated to SPD employees, reports of criminal activity, and public disclosure requests. These contacts were not counted toward the total number of complaints for the years 2017-2019 while they were counted in 2015 and 2016. The number of contacts that were consolidated in 2019 was 771.



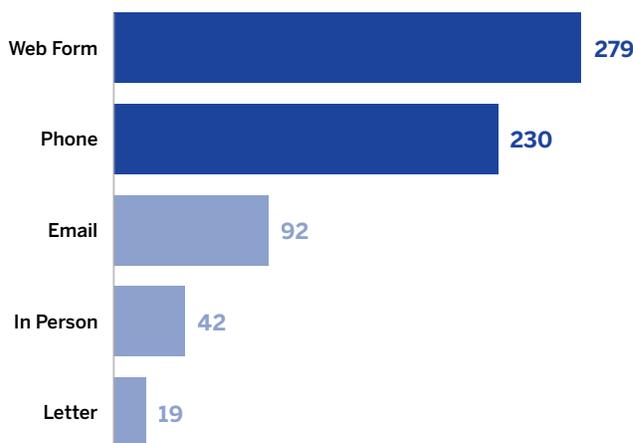
**Complaints initiated or forwarded from within SPD dropped by nearly half since 2018**

Figure 4: Number of internally vs. externally submitted complaints by year (2018-2019)

OPA can point to a new supervisor screening program—the Unsubstantiated Misconduct Screening—as a significant contributor to the decline in internal complaints received in 2019. Through the program, SPD supervisors critically review and document incidents involving potentially-refutable claims of police misconduct, then screen the incidents with OPA. Of the 242 complaints screened through the program in 2019, the OPA Director requested the supervisor forward the complaint to OPA for further investigation in 23 cases. For the remaining 219 cases, the OPA Director instructed the supervisor to thoroughly document their review. Prior to this program, there was no mechanism in place to process refutable claims, which meant virtually all the screened cases would have required OPA referrals and subsequent investigations. More information on this program and its impact can be found on page 21.

## Method of Complaint Filing

An external complaint is a complaint received directly from the public or via an intermediary, such as another City agency. There are five ways members of the public can directly file a complaint with OPA. Figure 5 shows a breakdown of the methods by which external complaints were filed in 2019.



**More than three-quarters of external complaints were filed through web form or phone**

Figure 5: Method of external complaint filing by type (2019)

## Demographics of Complainants

A total of 261 complainants voluntarily identified themselves in 2019.<sup>10</sup> Of these complainants, 88% provided their gender and 73% provided their race. The gender breakdown of complainants was 54% male and 44% female, with the remaining two percent identifying as gender non-binary. The gender of complainants was more evenly distributed than in 2018, where OPA reported 62% of complainants were male and 38% were female. The racial distribution of complainants was largely consistent with previous years; however, the number of complainants identifying as Black or African American dropped 13% over 2018. Figure 6 shows the racial distribution of complainants over the last three years.

Race	2017	2018	2019
White	61%	55%	58%
Black/African American	29%	36%	23%
Asian/Pacific Islander	5%	5%	8%
2 or More			5%
Other			2%
Native American	3%	2%	2%
Hispanic/Latino	2%	5%	2%

Figure 6: Racial/ethnic distribution of complainants with known races (2017-2019)

## Employees Receiving Complaints

A total of 1,088 employees were identified in OPA complaints in 2019. This number represents non-unique employees, with 256 employees receiving more than one complaint. Six-hundred and sixty unique employees received at least one complaint.<sup>11</sup> Of these, 563 (85%) were sworn employees and 97 were civilian personnel. The gender breakdown was 80% male and 20% female. Forty percent of all sworn employees and 30% of all SPD employees received at least one complaint in 2019. More than two-thirds of the 660 employees who received one or more complaints in 2019 held the rank of police officer in a non-detective assignment.<sup>12</sup>

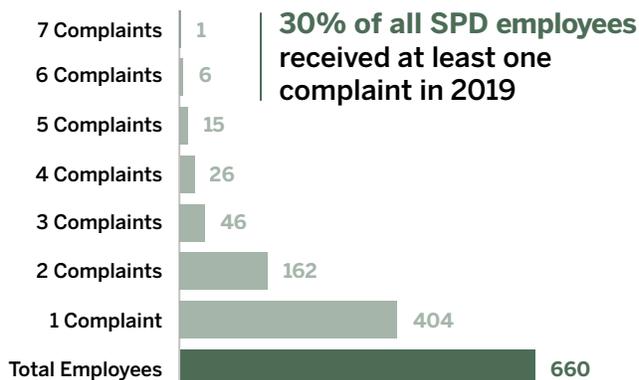


Figure 7: Number of complaints received per employee (2019)

10. OPA gathers data on the demographics of complainants from several sources. Anyone who files a complaint in person or via the web complaint form is asked if they would like to voluntarily disclose their race and gender to OPA. For complaints generated internally or referred from SPD, the supervisor who submits the complaint may enter the complainant's demographic information. Less frequently, OPA may collect complainant demographic data from police reports associated with the OPA complaint. Lastly, while conducting the preliminary investigation, OPA investigators ask complainants if they would like to disclose their race and gender. There are limitations to complainant demographic data. OPA's analysis suggests some complainants provide incorrect demographic information.

11. Unique refers to having only one occurrence.

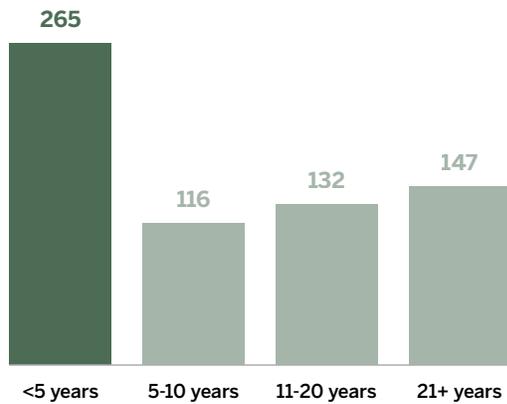
12. Four-hundred and forty-three held the rank of police officer and an additional 32 held the rank of police officer detective.

Race	Named in Complaints	Sworn	All SPD
White	71%	70%	67%
Asian/Pacific Islander	8%	7%	9%
Black/African American	7%	8%	8%
Hispanic/Latino	6%	6%	5%
Native American	2%	2%	1%
2 or More	5%	4%	5%
Unknown	3%	3%	5%

Racial/ethnic distribution of employees receiving complaints generally correlated to that of all SPD

Figure 8: Comparison of racial demographics for employees (2019)

Forty percent of employees named in 2019 complaints had been employed by SPD for less than five years. Generally, newer employees tend to receive more complaints for several reasons. For example, most new officers are assigned to patrol and regularly interact with the public, thus exposing themselves to more opportunities for complaints than officers assigned to detective or other non-patrol units. Increased hiring in recent years has also contributed to the number of newer officers working these assignments. Employees hired in 2016 made up six percent of all SPD employees yet comprised more than 12% of all employees named in OPA complaints in 2019.<sup>13</sup>



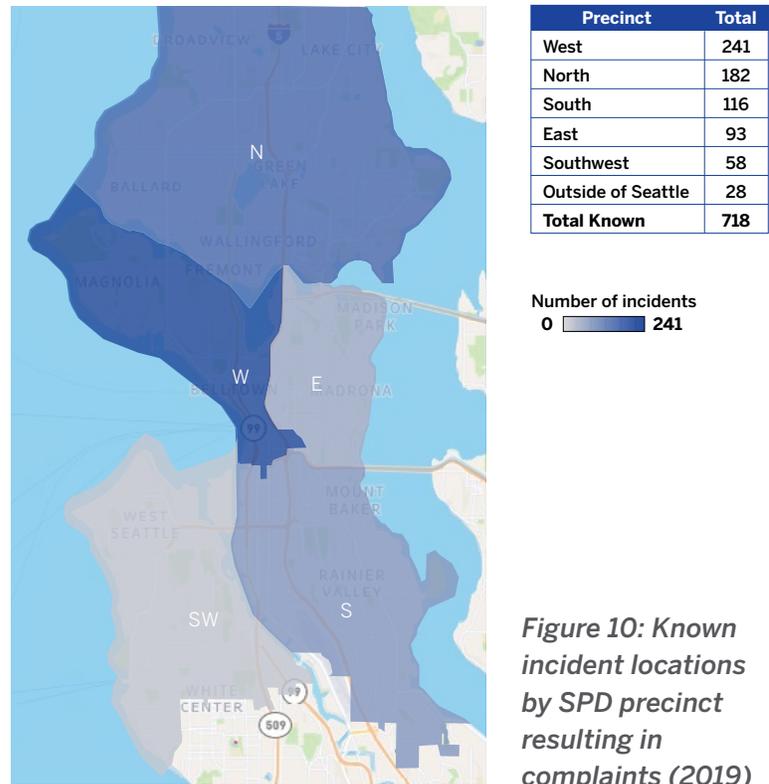
Newer employees received more complaints than employees with more experience

Figure 9: Service seniority of employees who received complaints (2019)

13. At the time of this report's publication, there were more complaints received involving employees hired in 2016 (135) than there were employees hired in that year (132). Sixty-six employees hired in 2016 received a combined total of 135 complaints in 2019. This trend was also discussed in OPA's 2018 Annual Report, as employees hired in 2016 received more complaints in 2018 than employees hired in any other year.

## Locations of Incidents Resulting in Complaints

OPA recorded the incident location in 77% of complaints received in 2019. West Precinct—which includes the downtown core, South Lake Union, Queen Anne, and Magnolia—had the highest number of incidents that resulted in an OPA complaint in 2019. The locations of incidents are mapped by police precinct in Figure 10.



*Figure 10: Known incident locations by SPD precinct resulting in complaints (2019)*

## Allegations

OPA reviews complaints and determines what SPD policy or policies are alleged to have been violated if the allegations are later determined to be true.<sup>14</sup> A single complaint may contain multiple allegations of misconduct against one or more officers.

OPA recorded 1,191 total allegations against SPD employees in 2019, a 52% decrease over 2018.<sup>15</sup> Complaints of excessive force—previously the most common allegation, making up 18% of all allegations in 2018—decreased to 11% of all allegations received in 2019. Instead, Professionalism became the most common allegation, comprising 20% of all allegations received in 2019. The year-to-year change is partially attributed to the Unsubstantiated Misconduct Screening Program (discussed on page 21). Nearly eight of every 10 incidents screened through the program in 2019 involved excessive force complaints that were conclusively disproved by body-worn and in-car video.

*A single complaint may contain multiple allegations of misconduct against one or more officers.*

14. The SPD policy manual can be found at [seattle.gov/police-manual](http://seattle.gov/police-manual). All communications and OPA case reports shared with employees and complainants list the specific SPD policy directives investigated, but do not show their corresponding OPA allegation type.

15. OPA currently has 37 allegation types, of which 34 were used in 2019. OPA maintains and periodically revises these allegation categories for data tracking and reporting purposes. In 2019, OPA updated its allegation types based on an audit of existing allegation types, their usage, and their relevance in reporting on areas of community concern. New allegation types were created for: Crisis Intervention; Bias – Reporting; Bias – Investigation; and Force - De-Escalation. Allegation types were removed, either due to infrequent use or because they were vague or duplicative for: Chain of Command; Court Appearances; Off-duty Conduct; Tactics and Decision Making; Workplace Conduct; Complaints – Internal; and Complaints – Public.

Another reason for the decrease was a conscious effort by OPA to identify the overarching policy or procedure alleged to have been violated, rather than include each subsection within that policy as a separate allegation. This has resulted in fewer allegations, particularly duplicative ones, being added. According to research conducted by the Mayor’s Office, this was an area consistently identified by officers as procedurally unjust.<sup>16</sup> Figure 11 shows the number and types of allegations received.<sup>17</sup>

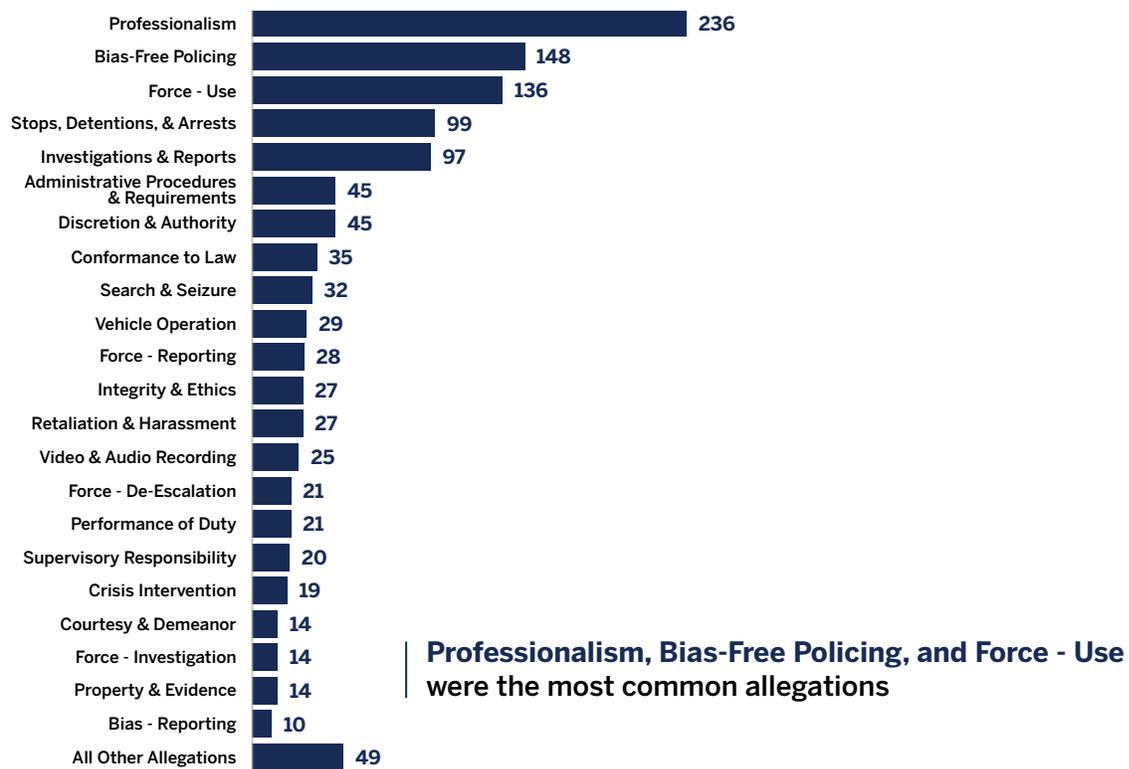


Figure 11: Allegations by type (2019)

In addition, collective bargaining agreements no longer require that each policy subsection be identified in order for the underlying behavior implicating that policy to be investigated. OPA is now only required to provide notice of the policy title and section, which also contributes to the reduction by eliminating the need to include every relevant policy subsection.

OPA received 85% fewer Video & Audio Recording allegations in 2019 compared to 2018.<sup>18</sup> This corresponds to a change in SPD policy that no longer identifies these violations as requiring an OPA referral.<sup>19</sup> When OPA determines there is potentially a failure to record or timely activate video, it is returned to the chain of command for handling and those allegations are not classified for investigation. The only exceptions are if the officer had been previously counseled for failing to record or if the failure to record was believed to be intentional.

16. Email attachment from Kathryn Aisenberg to Anne Bettsworth on July 28, 2019, regarding survey data from SPD employees.

17. The ‘All Other Allegations’ category in Figure 11 includes: Obedience to Orders (7); Information & Communications Systems (6); Equipment & Uniform (5); Tickets & Traffic Contact Reports (5); Alcohol & Substance Use (5); Self-reporting Obligations (4); Bias - Investigation (3); Confidentiality (3); Training, Qualification & Certification (3); Secondary Employment (3); Timekeeping & Payroll (3), and; Duty to Provide Identification (2).

18. OPA counted 164 Video & Audio Recording allegations in 2018 complaints.

19. See Court Docket 563 at [seattle.gov/Documents/Departments/OPA/Legislation/Dkt-563\\_SPD-Policy-Revisions\\_052319.pdf](http://seattle.gov/Documents/Departments/OPA/Legislation/Dkt-563_SPD-Policy-Revisions_052319.pdf).

# Complaint Classification

After OPA receives a complaint, the case is assigned to an OPA investigator for preliminary investigation. All complaints that contain a plausible allegation of misconduct against an SPD employee undergo a preliminary 30-day investigation. This entails gathering evidence, analyzing documentation and video, and interviewing the complainant, if possible. OPA leadership reviews the preliminary investigation and determines the allegations by assessing whether any laws or SPD policies would have been violated if the alleged actions are later proven to be true. OPA leadership then classifies the complaint—which indicates how it will be processed—as one of the following within 30 days of the complaint being filed.

## Classification Types

**Contact Log:** The complaint either does not involve a policy violation by an SPD employee or there is insufficient information to proceed with further inquiry. In these instances, OPA takes no action other than recording the information and sending a closing letter to the complainant, if applicable. Examples of complaints often classified as Contact Logs include slow police response times, parking ticket disputes, issues with officers from other law enforcement agencies, and crime reports.

**Supervisor Action:** The complaint generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor. In these instances, OPA sends a memo requesting that the employee's supervisor take specific, relevant action with the employee. The supervisor has 15 days to complete the action and return the case to OPA for review.

**Investigation:** The allegation, if true, constitutes a serious policy violation or other category of violation that OPA is required by law and policy to investigate. In these instances, OPA conducts a comprehensive investigation, including gathering additional evidence and interviewing involved parties and/or witnesses. An investigation is followed by a recommended finding and can result in formal discipline

**Expedited Investigation:** The allegation, if true, constitutes a serious policy violation or other category of violation that OPA is required by law and policy to investigate. However, OPA, with the agreement of the OIG, determines that findings can be reached based on the preliminary investigation and no further investigation needs to be conducted. In most cases, OPA will issue a finding without interviewing the involved or witness employee(s).

## Alternative Dispute Resolution Types

**Mediation:** The complaint involves a misunderstanding or conflict between an SPD employee and a community member. Mediation is voluntary and can only occur if both parties agree to participate. It is an opportunity for the employee and community member to discuss the conflict with the guidance of a neutral, third-party mediator. If the mediator reports that the employee listened and participated respectfully, the complaint will not appear on the employee's disciplinary record.

**Rapid Adjudication:** The complaint often involves an allegation of misconduct that the employee recognizes was inconsistent with policy. The employee is willing to accept discipline in place of undergoing a full OPA investigation.

## Number & Types of Complaints Classified

OPA classified 36% of complaints for Investigation in 2019, down from 44% in 2018. The percent of complaints sent back to SPD supervisors as Supervisor Actions increased slightly from 17% in 2018 to 19% in 2019. An additional 44% percent of complaints were closed as Contact Logs, a minor increase over the 38% of complaints that were classified as Contact Logs in 2018.<sup>20</sup>

Of the 13 cases handled via one of OPA's alternative dispute resolution types, seven went through Mediation and six were resolved through Rapid Adjudication. Summaries of OPA's efforts to expand the Mediation and Rapid Adjudication programs are further discussed on pages 22 and 23.

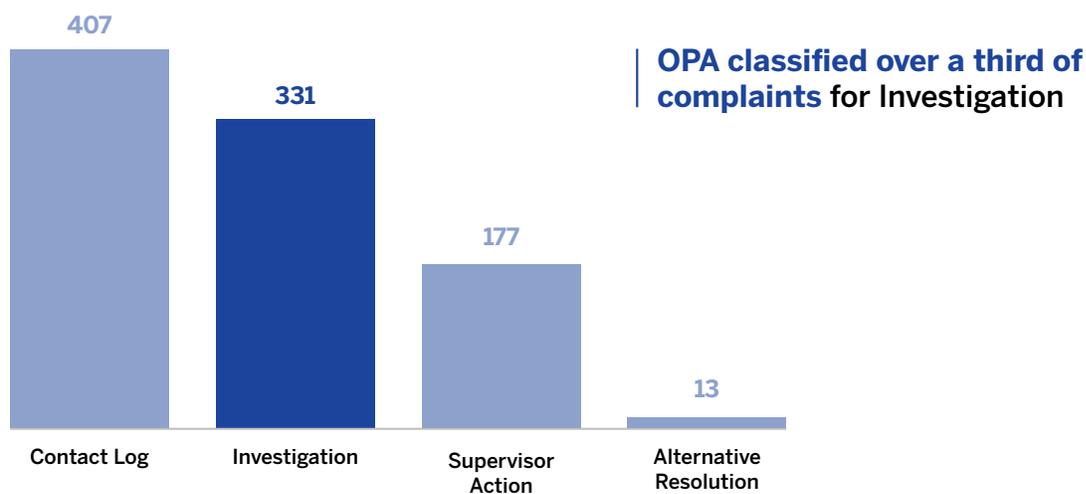


Figure 12: Complaint classification by type (2019)

20. OPA believes this is partially due to the decrease in unfounded complaints received as a result of the Unsubstantiated Misconduct Screening program.



# Investigations

## Summary of Investigations Trends

OPA classified 331 complaints for Investigation in 2019. Fifty-two percent of all OPA complaints classified for Investigation in 2019 were initiated or forwarded from within SPD; 48% resulted from external complaints. This is a significant change from 2018, when OPA reported that 72% of Investigations stemmed from internal complaints. OPA believes this is likely a result of the Unsubstantiated Misconduct Screening program. However, the percentage of externally-received complaints that resulted in an Investigation was only slightly higher in 2019 at 24%, versus 22% in 2018.

## Expedited Investigations

Over half (56%) of complaints classified for Investigation were handled as Expedited Investigations.<sup>21</sup> An Expedited Investigation is a sub-classification of an OPA Investigation where the OPA director issues findings based on the preliminary 30-day investigation. In all 185 Expedited Investigations conducted in 2019, OPA based its findings on the preliminary investigation and did not interview the named employee(s). OPA expedites investigations when an objective review of the evidence, typically in-car and body-worn video, is sufficient to reach findings without further investigation or conducting interviews.

Per collective bargaining agreements, if OPA does not interview a named employee, allegations against that individual cannot be sustained. For this reason, Expedited Investigations are often used to resolve allegations OPA is required to investigate—such as force, bias, and violations of law—while attempting to minimize impact on named employees and preserving the resources of OPA and SPD.

The OIG reviews and fully certifies all proposed Expedited Investigation classifications prior to OPA making a final classification decision. If the OIG raises concerns with a proposed Expedited Investigation classification, OPA will initiate a full investigation into the complaint.

## Timeliness of Investigations

Under the Seattle Police Officers' Guild (SPOG) and Seattle Police Management Association (SPMA) collective bargaining agreements, OPA must complete an investigation within 180 days of when an SPD supervisor or OPA receives a complaint 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. Ninety-nine percent of investigations with a 2019 deadline were timely.<sup>22</sup> Only three investigations that were due in 2019 did not meet the 180-day deadline. This is a significant improvement over 2018, when there were 34 untimely investigations.<sup>23</sup>

21. OPA first developed a protocol for Expedited Investigations in mid-2016 with the approval of the former OPA Auditor. The sub-classification became particularly useful after SPD's deployment of body-worn cameras in 2017. The Seattle Police Monitoring Team endorsed OPA's use of Expedited Investigations as a tool to focus OPA resources on cases with factual discrepancies. See page 5 of the Seattle Police Monitor's Follow-up Review of OPA, published January 10, 2020: [seattle.gov/Documents/Departments/OPA/Reports/Seattle-Police-Monitor-Follow-up-Review-01-10-2020.pdf](https://seattle.gov/Documents/Departments/OPA/Reports/Seattle-Police-Monitor-Follow-up-Review-01-10-2020.pdf)

22. Of all investigations completed in 2019, 98% were timely. This is because OPA completed eight investigations in 2019 that were due in 2018.

23. This represents the number of investigations completed in 2018 that exceeded the 180-day deadline.

## Findings

The OPA Director reviews every completed investigation and issues a memorandum to the chain of command recommending a finding for each allegation using a preponderance of the evidence standard.<sup>24</sup> The memorandum also provides an analysis of the facts through the application of relevant law and policy to show how the director reached his conclusions. OPA generally issues findings within six months of complaint filing.

### Finding Types

If the evidence shows that a violation of SPD policy occurred, the OPA Director may recommend a **Sustained** finding. If the evidence shows that misconduct did not occur, the Director will likely recommend a **Not Sustained** finding, accompanied by one of the following explanations.

**Unfounded:** The evidence indicates the alleged policy violation did not occur as reported or did not occur at all.

**Lawful and Proper:** The evidence indicates the alleged conduct did occur, but that the conduct was justified and consistent with policy.

**Inconclusive:** The evidence neither proves nor disproves the allegation of misconduct.

**Training Referral:** There was a potential, but not willful, violation of policy that does not amount to misconduct. The employee’s chain of command will provide appropriate training and counseling.

**Management Action:** The evidence indicates the employee may have acted contrary to policy, but due to a potential deficiency in SPD policy or training, OPA issues a recommendation to SPD to clarify or revise the policy or training.

In 2019, the Director issued findings for 1,322 allegations in 398 investigations. Twenty-seven percent of the 1,322 findings issued resulted in training or discipline.

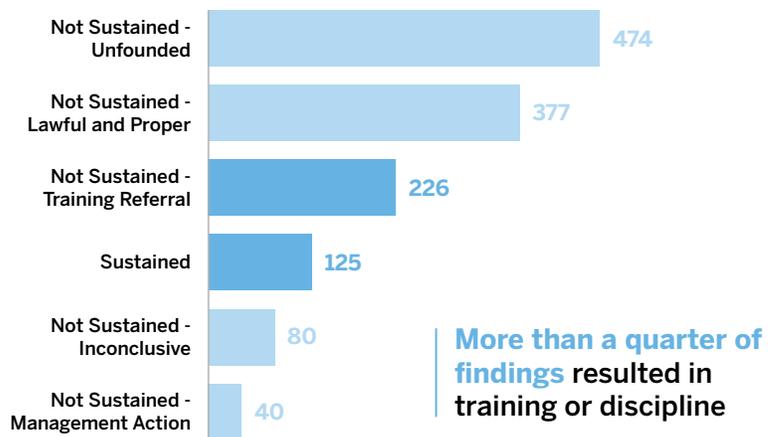
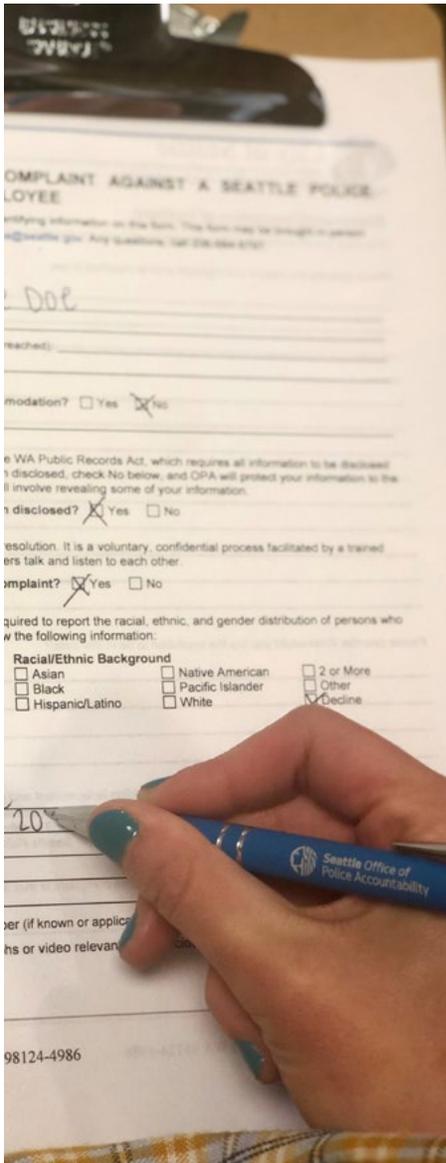


Figure 13: All findings by type (2019)

24. Black’s Law Dictionary (11th ed. 2019) defines this standard as: “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.”

# Discipline Imposed

After the OPA Director issues a recommended sustained finding, 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 explanation for the overturned finding within 30 days to the Mayor, City Council President, Chair of the Public Safety Committee, City Attorney, OPA Director, Inspector General, and CPC Executive Director.



## Discipline Types

For each allegation, the Chief can impose one of five types of discipline, listed below in order of severity.<sup>25</sup>

**No Discipline:** No formal discipline is imposed. The employee receives a closing letter.<sup>26</sup>

**Oral Reprimand:** A 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:** Written reprimands are generally utilized when there is a higher level of misconduct or fewer mitigating factors than oral reprimands. This is the final corrective step prior to a higher level of discipline.

**Suspension:** The employee is required to forego work and its associated pay. Suspensions are generally imposed when the 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 30 days.

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

**Termination:** An employee is dismissed from their employment.

25. There are also instances in which employees resign or retire in lieu of or prior to receiving discipline.

26. No closing letters were issued in 2019, and all sustained findings resulted in some type of discipline.

OPA issued sustained findings in 57 cases in 2019. This included a total of 125 sustained allegations against 56 unique employees, with eight employees receiving discipline in more than one OPA investigation. One-third of all sustained allegations in 2019 involved these eight employees.<sup>27</sup> The table below lists the disciplinary actions taken as of February 13, 2020.

<b>Final Disciplinary Action Report Pending</b>	<b>9</b>
<b>Oral Reprimand</b>	<b>10</b>
<b>Written Reprimand<sup>1</sup></b>	<b>15</b>
<b>Suspension<sup>2</sup></b>	<b>18</b>
<b>Resigned Prior to Discipline<sup>3</sup></b>	<b>6</b>
<b>Resigned Prior to Termination<sup>4</sup></b>	<b>3</b>
<b>Retired in Lieu of Termination</b>	<b>1</b>
<b>Termination</b>	<b>4</b>
<b>Total Disciplinary Actions</b>	<b>66</b>

1. One employee received two written reprimands.
2. Three employees received two suspensions each in 2019. A fourth, who was suspended, was later terminated under a different OPA investigation.
3. Four employees resigned prior to discipline; one of those employees had discipline pending in three cases.
4. Two employees resigned prior to termination; one of those employees would have been terminated in two cases.

*Figure 14: Discipline imposed per employee for sustained findings (2019)*

## Overtured Findings

The Chief of Police overturned the OPA Director's recommended findings in one case in 2019. In this case, the OPA Director recommended sustaining two allegations against a canine officer who deployed his canine while pursuing a robbery suspect. OPA found that the initial application of the canine was reasonable, but the length of the bite was unreasonable. The OPA Director explained that, once the subject was on the ground and had verbally surrendered, the officer had other options available to him until backing units arrived, and that the force used during those 30 seconds was not proportional to the threat facing the officer. The Chief of Police overturned OPA's findings, noting that the officer's chain of command confirmed his actions were consistent with Canine Unit training. The Chief agreed the officer's actions violated SPD's use of force policies but determined that he was acting on very specific training on how to release a dog from a bite. The impact of this case is further discussed in the Management Action Recommendations section on page 24.

<sup>27</sup>. The eight employees received a total of 41 sustained allegations.

## Summary of Disciplinary Trends

Since the current OPA Director was appointed in July 2017, OPA has sought to clarify what constitutes serious misconduct and delegate the handling of complaints involving minor misconduct to the chain of command. The Director has worked to build collaborative relationships with SPD supervisors and develop programs and practices that increase supervisor accountability.

As OPA shifted away from investigating cases involving minor policy violations, the types of discipline imposed by the Chief for sustained findings also changed. From 2018 to 2019, the number of disciplinary actions imposed on SPD employees decreased by more than half.<sup>28</sup> However, the number of suspensions as a percent of all discipline imposed increased from 17% in 2018 to 29% in 2019. Meanwhile, oral reprimands decreased from 37% to 16% of all discipline imposed in the same time period.

When comparing trends over the last five years, the percent of employees who received no discipline for a sustained finding decreased from 15% in 2015 to zero in 2019, meaning OPA and SPD are now imposing some form of discipline for 100% of sustained findings.

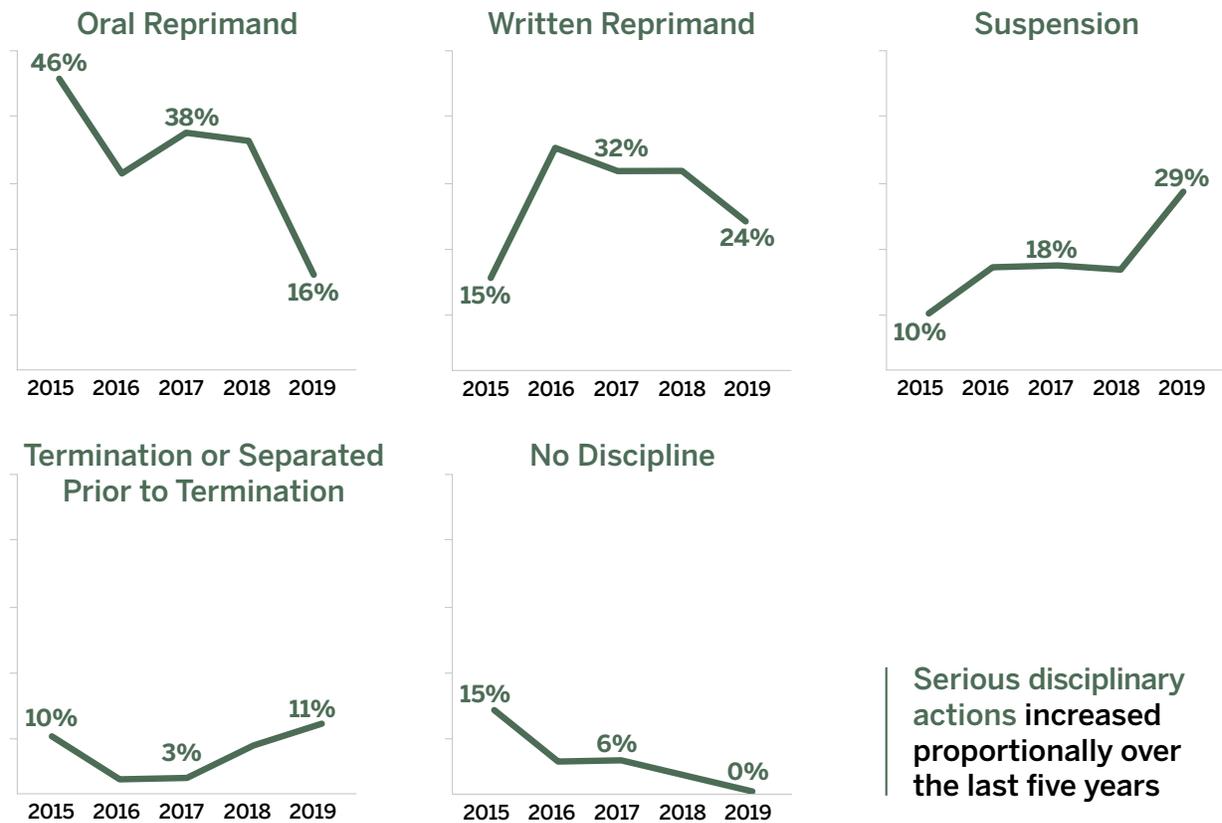


Figure 15: Discipline types as a percent of total discipline imposed by year (2015-2019)

28. There were 134 disciplinary actions taken in 2018 compared to 66 in 2019.



## Appeals

Sworn employees can appeal any disciplinary decision involving suspension, demotion, or termination to either the Public Safety Civil Service Commission (PSCSC) or a neutral arbitrator, as provided in their collective bargaining agreement.<sup>29</sup>

Twenty-four appeals of OPA discipline were filed in 2019. All 24 cases are pending arbitration with an arbitrator already selected. Of these cases pending arbitration, 13 are appeals of oral reprimands, four are written reprimands, one is a demotion, and six are suspensions.<sup>30</sup> There are currently 72 appeals of OPA decisions pending with the Seattle City Attorney's Office. Two appeals were closed in 2019; one was settled between the parties with the discipline reduced from a 10-day suspension to a seven-day suspension, and a second was determined to be an untimely appeal.

29. As a general matter, civil service employees may appeal discipline to the Civil Service Commission. Employees who are in unions may have different appeal rights, as noted in their collective bargaining agreements.

30. The City does not agree that oral reprimands are appealable. The data provided herein represents the number of SPOG requests to appeal oral reprimands.

# Policy & Program Development

## Unsubstantiated Misconduct Screening

In collaboration with SPD's Patrol Operations Bureau, OPA began a pilot program in 2018 in which allegations of misconduct that are clearly refuted by evidence can be investigated and documented by the chain of command and then screened with OPA via email. The OPA Director reviews the information and relevant video to determine if the allegation is disproved by the evidence and whether it is necessary for the supervisor to formally submit the allegation of potential misconduct to OPA.

This program was initiated to address two concerns: The first was that SPD employee morale was low, in part because OPA was conducting full investigations into demonstrably false claims, which was perceived as procedurally unjust.<sup>31</sup> This has been noted as a contributing factor to the decrease in patrol officer staffing, which was already at relatively low levels given significant officer separations.<sup>32</sup> The second was that OPA was spending significant resources investigating these demonstrably false claims, which diluted efforts to focus on viable allegations of misconduct.



The statistical results of this program, as noted on page 8, were that SPD supervisors screened 242 potentially-refutable allegations of police misconduct with the OPA Director. Of these, the Director requested a formal complaint referral in 23 cases. The rest were investigated and documented in the field by the chain of command rather than referred to OPA as complaints.

There have also been less quantifiable results of the program: It has increased supervisor accountability by requiring supervisors to conduct chain of command investigations and then, once screened with OPA, to properly record their findings. This has improved supervisor investigations, as OPA and the chain of command coach and mentor supervisors in real time. The program has also helped build a collaborative rather than adversarial relationship between OPA and supervisors, which ultimately helps OPA effectuate positive change and growth.

As of January 2020, OPA provides a list of all Unsubstantiated Misconduct Screening cases to the OIG on a monthly basis. This provides a second layer of accountability and ensures the integrity and continued success of this new process.

31. In the past, such complaints, even where clearly false, were submitted to OPA. OPA, in turn, was required by policy to investigate these complaints, regardless of merit.

32. These claims bore out in research conducted by the Mayor's Office that was initiated due to SPD employee attrition. The report can be found at [seattle.gov/Documents/Departments/OPA/Special-Reports/Mayors-SPD-Recruitment-Retention-Report-Sept-2019.pdf](https://seattle.gov/Documents/Departments/OPA/Special-Reports/Mayors-SPD-Recruitment-Retention-Report-Sept-2019.pdf).

## Unsubstantiated Misconduct Screening Examples

**Sexual Assault Screening:** An officer reported to his supervisor that a subject claimed the officer touched him sexually and “peeked” at his buttocks while conducting a search during an arrest. The supervisor reviewed the officer’s body-worn video and determined that the officer’s behavior was appropriate throughout the interaction. The OPA Director reviewed the body-worn video and concurred with the supervisor’s assessment. As a result, no formal complaint alleging improper search was submitted to OPA.

**Excessive Force Screening:** Officers responded to a 911 call regarding an assault. The caller reported the suspect fell and was bleeding from the head. After placing the subject under arrest, officers took him to the hospital to get stitches for his injury. The subject told hospital staff that the officers “roughed [him] up” resulting in the head injury, but later admitted he did not remember how he obtained the injury. A supervisor reviewed security footage, as well as the involved officers’ body-worn video, and determined the subject already had the head injury prior to officers arriving and confirmed that the officers used no force on the subject. The OPA Director reviewed three officers’ body-worn video and agreed that it was not necessary to submit an OPA complaint.

## Mediation

As indicated on page 14, mediation is an alternative dispute resolution. It is an opportunity for a complainant and an SPD employee to discuss a conflict under the guidance of a neutral, third-party mediator. In 2019, OPA staff conducted research, an in-depth assessment, and a subsequent redesign to bring the mediation program into alignment with national best practices and increase participation and effectiveness.

OPA’s research included a literature review, interviewing involved staff, reviewing past mediation cases and analyzing participant surveys. The 2017-2018 mediation program was then compared to best practices from around the country. The assessment revealed that the program needed improvement in several key areas, including clarity of case eligibility criteria, overall program administration, and outreach materials.<sup>33</sup>

After OPA completed the assessment, staff developed a set of guidelines that incorporated best practices and standards for everyday programmatic use. These include eligibility criteria, timelines, staff requirements, and a regular program evaluation. OPA also created a new mediation program brochure and had it translated into six languages to increase public-facing accessibility.<sup>34</sup> With these developments, OPA hopes to increase mediation frequency and expand the program.

### The goals of the OPA mediation program are for participants to:

- Feel empowered to own the complaint-resolution process
- Build understanding and gain new perspectives by engaging in dialogue
- Identify root causes of conflict
- Learn how to avoid similar misunderstandings in the future

33. The assessment report may be viewed at [seattle.gov/Documents/Departments/OPA/Reports/Mediation-Research-Assessment-Report-March-2019.pdf](https://seattle.gov/Documents/Departments/OPA/Reports/Mediation-Research-Assessment-Report-March-2019.pdf).

34. An online version of the Mediation brochure may be viewed at [seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/Mediation-Flyer-2019.pdf](https://seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/Mediation-Flyer-2019.pdf).

## Rapid Adjudication

In 2019, OPA began a Rapid Adjudication (RA) pilot program. RA is an alternative dispute resolution process that occurs when an employee recognizes their conduct was inconsistent with SPD standards and is willing to accept pre-determined discipline in lieu of an administrative investigation. RA can be requested by the employee or suggested by OPA. Discipline resulting from RA is not eligible for appeal.

RA is intended to foster a culture of accountability and responsibility among SPD employees. The program offers faster case resolution for all involved parties and decreases the number of appeals and delays. RA may be especially beneficial for OPA in that it reduces investigation caseloads, allowing OPA investigators to focus their resources on more serious cases. Oversight of RA is provided by the OIG and the Chief's Office, who review each RA case. Case selection is determined on an individual basis. RA was used to resolve seven cases in 2019. Only one case to date has been rejected from the program. For additional information on RA, including the closing memos for all RA cases, please visit the OPA website.<sup>35</sup>

## Rapid Adjudication Examples

**Professionalism Case:** An SPD officer attempted to pass a community member on a one-lane road while en route to an active scene. The driver struggled to make room for the officer to pass. The officer threatened to ticket the other driver. After receiving the complaint alleging the officer acted unprofessionally, OPA proposed RA and the employee accepted.

**Missed Training Case:** An SPD employee missed a mandatory training, subsequently did not attend a makeup session, and did not report to his shift on a different day or notify his supervisor. The employee initiated RA with OPA. The employee received their agreed-upon discipline and the case was closed.



35. See [seattle.gov/opa/programs/rapid-adjudication](https://seattle.gov/opa/programs/rapid-adjudication).

## Management Action Recommendations

During an investigation, 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), in the form of a letter to the Chief of Police identifying specific policy or training issues to be addressed.

A MAR is a 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.

OPA worked with the SPD Professional Standards Bureau in 2019 to develop new processes for managing, tracking, and communicating the status of MARs. SPD now issues a written response for each MAR. Responses and dispositions of the policy recommendations are posted to the OPA website and updated regularly.<sup>36</sup>

In 2019, OPA issued 28 MARs on 20 unique topics. Three of these topics were previously addressed in MARs issued by OPA in 2018. At the time of this report's publication, SPD had addressed 20 of the 28 2019 recommendations. SPD fully implemented the recommended changes in 17 cases, partially implemented the recommendations in one, and declined action for two recommendations. Eight MARs are still active.<sup>37</sup>

## Management Action Recommendation Example

**Canine Deployment MAR:** OPA issued four MARs in 2019 related to the SPD canine use of force policy. OPA recommended that SPD update the use of force policy to clarify what types of crimes and situations are appropriate to deploy a canine; the specific documentation required for canine uses of force; requirements for supervisors screening canine bite; and to prohibit officers from using canines for pain compliance. OPA also recommended that SPD ensure the Canine Unit manual is consistent with policy and audit canine training until the unit is compliant with the revised policy. In response, SPD developed and implemented a new canine policy that adopted all OPA's recommendations.<sup>38</sup> In addition, the OIG is conducting an audit of the Canine Unit, the Canine Unit manual is being rewritten, and officers in the Canine Unit are receiving more training on canine deployment.



36. The statuses of all MARs are at [seattle.gov/opa/policy/policy-recommendations](http://seattle.gov/opa/policy/policy-recommendations).

37. OPA issued repeat MARs on Terry Template, Taser Application, and Search Warrant Exception policies in 2019.

38. SPD's response can be viewed at [seattle.gov/Documents/Departments/OPA/ManagementAction/MAR\\_Response\\_Canine\\_Policy\\_2018OPA-0783\\_2018OPA-1037\\_2019OPA-0172\\_08-14-19.pdf](http://seattle.gov/Documents/Departments/OPA/ManagementAction/MAR_Response_Canine_Policy_2018OPA-0783_2018OPA-1037_2019OPA-0172_08-14-19.pdf).



## 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 SPD policies.<sup>39</sup> 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 SPD on the annual review of policies mandated by the Consent Decree.<sup>40</sup> Other policy change recommendations resulted from trends or patterns observed after reviewing hundreds of administrative misconduct cases. Ultimately, the purpose of providing input is to ensure there are strong, guiding policies that empower SPD employees to efficiently and effectively carry out their work.

39. In 2019, OPA provided feedback on the following SPD policies: All sections of Title 8 – Use of Force; 5.001-3 – Standards and Duties; 5.140 – Bias-Free Policing; 6.220 – Voluntary Contacts, Terry Stops, & Detentions; 6.180 – Searches – General, and; 13.031 – Vehicle Operations – Vehicle Eluding/Pursuits.

40. 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 Department of Justice 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.

# Other OPA Functions

## Community Engagement

This was the first full year that OPA had a team of three community engagement specialists. One of the team's initial tasks was to develop a better understanding of community perceptions and awareness of OPA. To do this, they conducted surveys and interviews, summarizing their findings in a public-facing report.<sup>41</sup> They then used the results to develop an outreach and engagement plan to drive future outreach efforts.<sup>42</sup>

### OPA Outreach & Engagement Strategies

1. Raise awareness and understanding of OPA through education and outreach, focusing on communities most affected by policing.
2. Build community relationships by listening, receiving feedback, and offering support.
3. Improve communication with complainants throughout complaint processing.
4. Provide support in developing and implementing an external communications strategy.



Figure 16: Example of new outreach materials

To aid in outreach efforts, the team created a new suite of OPA informational materials, available in six different languages.<sup>43</sup> These materials were distributed at over 90 events attended by OPA staff in 2019, each of which was categorized into one of three broad types: 1) presentations and discussions about OPA, 2) community meetings and events, and 3) tables at local festivals.

41. See the full report at [seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/CE\\_Public\\_Awareness\\_Assessment\\_Report\\_July2019.pdf](https://seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/CE_Public_Awareness_Assessment_Report_July2019.pdf).

42. The outreach and engagement plan can be viewed at [seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/CE\\_2019-2020\\_Outreach\\_and\\_Engagement\\_Plan\\_July2019.pdf](https://seattle.gov/Documents/Departments/OPA/CommunityOutreachDocuments/CE_2019-2020_Outreach_and_Engagement_Plan_July2019.pdf).

43. The languages are English, Spanish, Simplified Chinese, Traditional Chinese, Somali, and Vietnamese.

## Presentations and Discussions About OPA

OPA staff led 47 presentations or discussions to introduce OPA's functions and services to various City boards and commissions, SPD Precinct and Demographic Advisory Councils, and community-based organizations such as El Centro de La Raza and Community Passageways. These efforts were an effective means to not only convey the mission and purpose of OPA, but also to build and strengthen relationships with the community.

## Community Meetings and Events

OPA staff attended 40 community meetings and events in 2019. This type of engagement provided an opportunity for OPA to listen to local concerns, engage with people one-on-one, and celebrate organizations' successes—all while keeping the focus on the community. Examples of these types of events included the Sea Mar Museum Grand Opening, Creative Justice Youth Forum, and Choose 180 Event.

## Tables at Local Festivals

OPA staff had a table at four all-day festivals in 2019, including Dragonfest, Umojafest, Indian Pow Wow Days, and Fiestas Patrias. The goal of attending these events was to familiarize as many community members as possible with OPA, as well as share its role and services.



Figure 17: Community outreach and engagement by the numbers

## OPA Outreach Highlight

OPA and system partners spent a day talking to approximately 250 freshmen at Cleveland High School about Seattle's police accountability system. Students were presented with information about how OPA makes decisions using small group discussions and a case study from a popular film.

*"Ninth grade staff and students of Cleveland High school are very grateful for all the time and information you shared with us! [The students] loved getting details about the work you do and found the day provided engaging and important real-world learning."*

— Mr. Gandy, Teacher at Cleveland High School

## SPD Employee Engagement

OPA staff engaged with SPD employees through dialogue and informational presentations in ongoing efforts to build trust and open lines of communication.

In response to a suggestion from a patrol lieutenant, the OPA Director held "Precinct Office Hours" at all five SPD precincts to introduce OPA programs and discuss policy and cases. Each visit was at least 12 hours long, which allowed the Director to speak at various roll calls and be accessible to officers from all three patrol shifts. The Director and OPA sworn staff also conducted roll call presentations at different precincts throughout the year to build rapport, understand officer perspectives, and share case studies.

OPA civilian leadership presented to various SPD units and groups, including Field Training Officer School, Command Leadership Training, SPOG Board Training, and the Canine Unit. OPA also presented to each academy class of new officers to introduce the role and expectations of OPA.

OPA issued 18 Case and Policy Update newsletters in 2019. The newsletter is intended to increase communication and transparency by highlighting OPA cases and policy recommendations that may inform officers' day-to-day work. Currently, about 450 individuals are signed up to receive it, most of whom are SPD employees.

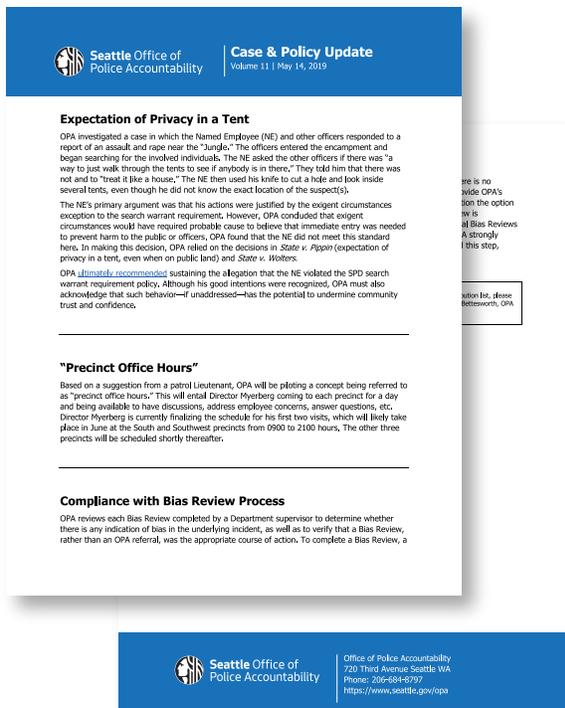


Figure 18: Sample of Case & Policy Update newsletter

## Monitoring Serious Incidents

The SPD Manual requires all force used by officers to be documented and investigated per specific guidelines. The highest degrees of force application require investigation by the SPD Force Investigation Team (FIT). 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.

OPA responded to 23 FIT callouts in 2019. FIT callouts demand significant time and resources. OPA attends each FIT callout in an effort to increase procedural justice and fortify civilian oversight, accountability, and transparency in force investigations.



## Bias Reviews

In addition to addressing formal complaints, OPA reviewed 161 “Bias Reviews” in 2019. Bias Reviews occur when a person makes an allegation of SPD employee bias but does not specifically request that the complaint be referred to OPA. They are not considered complaints but are still carefully examined.

Immediately after a bias allegation is made, an SPD supervisor conducts a preliminary investigation. If the supervisor concludes that no misconduct occurred, they document their investigation and forward it to the chain of command for review. The file is then sent to OPA for final determination, which generally entails a screening to determine if the allegation was handled appropriately. If OPA has concerns about bias or discovers other potential policy violations, OPA can open a new case.

44. 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 [seattle.gov/police-manual/title-8](http://seattle.gov/police-manual/title-8).

45. Callouts in 2019 generally included the Director, a sworn supervisor or the Deputy Director of Investigations, 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.

## Learn more about OPA



VISIT OUR WEBSITE  
[seattle.gov/opa](http://seattle.gov/opa)



EMAIL US  
[opa@seattle.gov](mailto:opa@seattle.gov)



CALL US  
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720 3<sup>rd</sup> Ave. Floor 18  
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Office of Inspector General (OIG) 2019 Annual Report



# Seattle Office of Inspector General



## 2019 Annual Report

May 14, 2020

City of Seattle Office of Inspector General

PO Box 94764

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## LETTER FROM THE INSPECTOR GENERAL

In April 2018, I was appointed Inspector General for Public Safety, giving life to part of the robust oversight system that has been a labor of love and an undertaking of necessity for decades in the Seattle community. My first task was to build the Office of Inspector General from the ground up. Thus, 2018 was spent completing many of the administrative and operational tasks necessary to sustain the office, such as hiring staff and settling into a physical space.

More importantly, I and my staff spent significant time cultivating relationships with community, accountability partners, and other stakeholders who care deeply about ensuring constitutional policing. These essential conversations and early collaborations helped OIG establish the full vision and mission of the Office.

In 2019, OIG was able to begin its audit and policy work. With only two auditors and two policy analysts on staff for much of 2019, I am proud of the scope and quality of projects undertaken, and I am confident that OIG will continue to build on this solid foundation to establish an important body of work supporting police accountability in the years to come. Accordingly, I am pleased to present this report detailing our first year of full work and sharing our vision for the OIG's role.

The work to build the office into existence, and the projects we accomplished in 2019, would have been difficult, if not impossible, without the partnership, assistance, and collaboration of the Accountability Partners—the Community Police Commission (CPC), the Office of Police Accountability (OPA), and the Seattle Police Department (SPD). I truly appreciate the willingness of these agencies to work together alongside OIG to support the gains made by SPD and to continue to drive the policing profession forward. I am also grateful for the assistance and support of many community stakeholders whose effort and passion for police accountability has gotten Seattle to the better place we are today and helped OIG find its footing.

As this is the first annual report from OIG, it contains a preface providing background about police oversight and reform in Seattle, including the creation of a formal accountability system, as well as a discussion of the Consent Decree and ongoing sustainment efforts currently overseen by a federal court and court appointed monitor. To support OIG's role, OIG was given additional staffing to expand our work capacity for 2020. The addition of a supervisory auditor and an additional auditor will allow OIG to take on additional complex audits, while also allowing flexibility to handle unplanned critical oversight issues. The 2020 OIG Work Plan can be accessed from the OIG website (see [www.seattle.gov/oig/reports](http://www.seattle.gov/oig/reports)) for a comprehensive look at what is in store for 2020.

Sincerely,



Lisa A. Judge  
Inspector General for Public Safety



P.S. This document was finalized during the height of the COVID-19 pandemic, so some of the timeframes for anticipated 2020 projects, as well as the addition of staff, will need to be flexible to account for the unpredictability of the current situation. While much of OIG work can be accomplished by teleworking to “flatten the curve,” in person interactions and observation of operations are essential to produce complete and accurate analyses of certain SPD functions. Additionally, and of significance, OIG recognizes the tremendous stress on SPD personnel and resources required to respond to this unprecedented modern public health crisis, and acknowledges it will take time for SPD to get back to “normal,” with ability to focus on development and critical self-analysis.

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## CHAPTER 1: INTRODUCTION

### Vision and Mission

The Office of Inspector General (OIG) supports constitutional, informed, compassionate policing through application of objective, independent, systemic oversight.

To achieve this vision, the credibility of OIG as an effective agent of accountability requires:

- a fundamental commitment to objectivity and accuracy, balanced with
- empathy for community concerns and perspectives on policing; and
- an understanding of law enforcement principles, laws, and tactics for safe and effective policing.

This approach, rooted in objectivity and accuracy, allows OIG to accomplish its purpose, to:

...help ensure the fairness and integrity of the police system as a whole in its delivery of law enforcement services by providing civilian auditing of the management, practices, and policies of SPD and OPA and oversee ongoing fidelity to organizational reforms implemented pursuant to the goals of the 2012 federal Consent Decree...<sup>1,2</sup>

### Civilian Oversight History

The predecessor to OIG was the City's first civilian police auditor, appointed in 1992. The auditor provided external civilian oversight of internal investigations by the Seattle Police Department (SPD). When the SPD Internal Investigations Section was replaced by an external, civilian-led, Office of Professional Accountability (OPA), the civilian police auditor position became the OPA Auditor.

Concern about police treatment of community reached a tipping point with the death of John T. Williams in 2010. At the urging of a number of community organizations and stakeholders, the U.S. Department of Justice (DOJ) initiated an investigation and found the Seattle Police Department was engaging in a pattern or practice of unnecessary or excessive force and potentially biased policing. The City subsequently entered into a settlement agreement and Memorandum of Understanding (collectively known as the Consent Decree) with the U.S. Department of Justice in 2012.<sup>3</sup> As part of its police reform efforts, the City codified a comprehensive police accountability system, referred to in this document as the accountability ordinance.<sup>4</sup>



1 United States of America v. City of Seattle, 12 Civ. 1282 (JLR)

2 Ord. 125315, §3.29.010

3 The Consent Decree covers six areas, including 1) use of force, 2) crisis intervention, 3) stops and detentions, 4) bias-free policing, 5) supervision, and 6) the Office of Professional Accountability

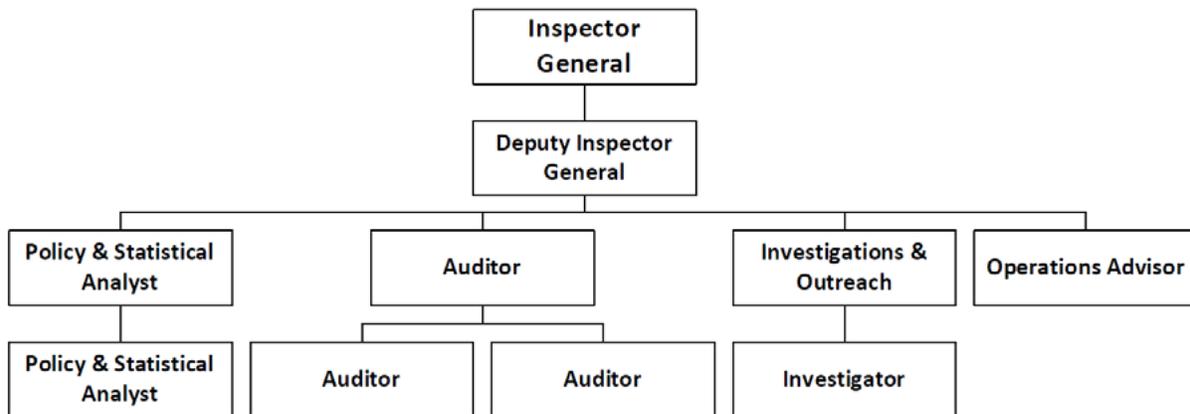
4 City of Seattle police accountability ordinance, Ord. 125315 (2017).

The current police accountability system has three principal components: systemic oversight and improvement performed by OIG, investigation by the Office of Police Accountability (OPA) of misconduct alleged against individual officers, and inclusion of community voice represented by the Community Police Commission (CPC). Together with SPD, these entities comprise the accountability partners.

The first Inspector General took office in May 2018, and the OPA Auditor transitioned his OPA oversight duties to OIG at the end of 2018. The work of OIG encompasses the work of the former OPA Auditor with a significantly expanded systemic oversight role. OIG conducts performance audits, policy analysis informed by best practices, and review of OPA complaint-handling, all in strategic collaboration with the other accountability partners.

In its first full year of operation, OIG onboarded staff that ranged between five and ten full-time personnel, including hiring two staff members in late 2019. The 2019 OIG structure is shown in the organizational chart below.

**Figure 1-1. OIG 2019 Organizational Chart**



## Annual Report Requirements

This report constitutes the first of what will be an annually required report of the City of Seattle Office of Inspector General for Public Safety. The accountability ordinance directs this report to include a description of OIG work; OIG recommendations for changes in both policies, collective bargaining agreements, and laws; and an evaluation of the extent to which the accountability entities including SPD are fulfilling their charges under the ordinance. Specific matters to be addressed include review of significant events such as officer-involved shootings; disproportionality or other trends in inquests, claims, and lawsuits alleging SPD misconduct; reviews of successful practices in other jurisdictions including any recommendations for the mix of OPA sworn and civilian staff; explanation of OIG review of the OPA complaint-handling system; and, a summary of intake and outreach that has informed OIG work (See Appendix A for the full requirements).<sup>5</sup>

Report requirements in this report are addressed in the following chapters:

- **Strategic Leadership** – strategic work performed by the Inspector General to further the goals of OIG, represent the expertise of OIG in stakeholder activities, and participate in Consent Decree sustainability efforts in preparation for the future OIG sustainment role;
- **Audits** – audits and assessments of police operations and systems performed in accordance with Generally Accepted Government Auditing Standards;
- **Policy Work** – policy and research guidance to SPD on areas for improvement informed by best practices and innovative efforts in other jurisdictions; and
- **OPA Review** – review and certification of OPA complaint-handling.

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<sup>5</sup> Ord. 125315, §3.29.270.D

## CHAPTER 2: STRATEGIC LEADERSHIP

### Highlights

OIG leadership actively participates in City efforts to sustain the results of the Consent Decree, lending expertise as appropriate. This includes collaboration and participation in accountability partner efforts and ongoing monitoring and assessment of SPD use of force.

The strategic leadership efforts of OIG are often shaped by the experiences of the Inspector General (IG).<sup>6</sup> Insights from the IG's legal work experience inform OIG work priorities and provide the foundation for OIG technical assistance to accountability partners in best practice work. OIG collaborations with system partners and community stakeholders help keep OIG in touch with the priorities of community, the City, the Consent Decree partners, and the Seattle Police Department. The IG also remains active and connected with the work and trends happening at the national level to identify best practices in policing.

### Collaboration and Workgroups

The IG collaborates with internal and external stakeholders on Consent Decree issues, policy work, and issue-specific workgroups. Examples of partner interactions in 2019 include the following:

- quarterly collaboration meetings between OIG, CPC, OPA, and SPD leadership to provide strategic coordination and monitoring of accountability recommendations from all oversight entities;
- Consent Decree sustainment meetings with partners to discuss SPD policies and planned sustainment assessments;
- regular meetings with SPD management and labor;
- community meetings and forums;
- regular meetings with ACLU leadership;
- reports to Council at public committee meetings;
- participation in the City of Seattle Serious and Deadly Force Investigation Taskforce (SDFIT); and
- attendance at Initiative 940 (I-940) rulemaking meetings.



<sup>6</sup> The IG spent 23 years as an attorney for the City of Tucson and Tucson Police Department, providing legal counsel and training in Constitutional law and use of force investigations. She was also an ACLU-approved trainer for court-ordered training on Fourth Amendment law and anti-bias for the Maricopa County Sheriff's Office.

In quarterly accountability partner meetings, OIG, CPC, OPA, and SPD undertake strategic, coordinated review of the status of accountability recommendations and discuss matters impacting the accountability system. Continuous communication in 2019 allowed the partners to have a shared approach to issuing collective bargaining recommendations, a responsibility for each accountability entity under the accountability ordinance. In December 2019, OIG and OPA issued a joint letter to the Mayor, City Council, and the City Attorney identifying priority areas for the pending collective bargaining between the City and the Seattle Police Management Association. The outcome of those recommendations remain to be seen.<sup>7</sup>

In 2019, the IG participated as a member of SDFIT, convened by CPC to assess the feasibility of establishing an independent, external investigation process for serious and deadly uses of force by SPD.<sup>8</sup> SDFIT included community members, OIG, OPA, SPD, individuals with law enforcement experience, prosecutors, and others with subject matter expertise. Over the course of nine meetings, SDFIT researched investigative models around the country, consulted with community and regional experts, and developed recommendations related to an ideal independent use of force investigation model for the City of Seattle. The taskforce issued final recommendations to the City Council public safety committee in the fall of 2019.

At the state level, OIG participated with CPC, SPD, OPA, and other community groups in the Initiative-940 rulemaking process coordinated by the Washington State Criminal Justice Training Commission (CJTC) for increased training and independent investigation requirements for officer-involved shooting (OIS) incidents. CJTC approved new training rules in June and OIG investigation protocols in December 2019. It has become clear since then that much work remains to be done at a regional level to effectively coordinate independent on-scene investigation of officer-involved shootings. Some emerging questions include, but are not limited to: 1) how to deploy in situations involving multiple jurisdictions, 2) how to properly sequence administrative and criminal interviews, and 3) how to ensure access to evidence and information for the involved agency to conduct a thorough administrative investigation and review.

### **Collaborative Projects**

OIG audit recommendations are important in achieving sustained, measured progress for the system. Opportunities for impactful collaborative work with SPD and the other accountability partners to identify new best practice programs can be catalysts for larger-scale change and innovation.

Collaborative work was undertaken in 2019 on three long-term projects that require a high degree of participation from SPD: 1) development of a training program and corresponding policy for effective interviewing techniques, 2) development of a sentinel event review process for critical incidents including officer-involved shootings, and 3) implementation of a peer intervention program. These projects are discussed in greater detail in Chapter 4: Policy Work. Each of these projects has the potential to promote a positive culture within SPD and impact how SPD engages with community.

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<sup>7</sup> <http://www.seattle.gov/Documents/Departments/OIG/Other/SPOGCommentsOPAIG120519.pdf>; see also <http://www.seattle.gov/oig/reports> for additional memoranda issued by OIG on collective bargaining.

<sup>8</sup> Resolution 31753.

## Use of Force Oversight

The accountability ordinance specifically charges OIG with reviewing SPD handling of serious uses of force.<sup>9</sup> OIG reviews force by various means, including on-scene IG presence at officer-involved shooting investigation scenes,<sup>10</sup> presence during SPD internal use of force reviews, OIG audits, OIG review and certification of OPA investigations of allegations of officer misconduct, and IG technical assistance to SPD and the accountability partners on force-related matters.

In 2019, OIG conducted a Force Review Board (FRB) assessment as part of the City's Consent Decree sustainment requirements,<sup>11</sup> and regularly reviewed allegations of improper use of force through its evaluation of OPA investigations. This work is detailed in Chapter 3 and 5, respectively. SPD and OPA cooperation throughout the year in providing information and responding to feedback were important factors contributing to the effectiveness of these reviews.

The IG and/or her designee responds to investigation scenes of significant uses of force, such as officer-involved shootings, to provide independent observation of the unfolding investigation and ensure the scene is managed according to policy and accepted investigative protocols. Having civilian observers adds a layer of transparency to SPD operations to promote public trust and address community concern. It also provides an opportunity for real-time civilian feedback and the ability to ask clarifying questions on issues of potential importance to community. Being present at scenes has also allowed OIG to better understand cross-agency scene dynamics and participate in addressing concerns about the intersection and impact of I-940 on SPD administrative investigations of officer use of force.

The IG also provides technical assistance to SPD management and other accountability partners. For example, the IG attends the weekly FRB meetings and provides ongoing feedback to SPD regarding FRB functioning. In 2019, this resulted in improvements such as the inclusion of a representative from the 9-1-1 Communications dispatch center to provide subject matter expertise and serve as a conduit for information flow with Communications personnel, and adjustments to elements of FRB discussion templates. Conversations about ongoing refinement of the FRB process occur regularly and SPD has been a willing and eager partner in striving to enhance and streamline the FRB review process.

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9 Ord. 125315, §3.29.240.G

10 OIG is notified of Type III uses of force by the Force Investigation Team and has the option to respond to the investigation scene.

11 The City entered into a Court-mandated two-year sustainment period following the Court's determination in 2018 that the City was in compliance with the Consent Decree. The purpose is to demonstrate that the City will maintain reforms achieved under the Consent Decree.

## CHAPTER 3: AUDITS AND REVIEWS

### Highlights

OIG audits adhere to federal standards that safeguard independence, objectivity, and accuracy. OIG completed its first mandated performance audit of SPD collection and use of intelligence information, finding no violations of the Chapter but issuing five recommendations to improve clarity and consistency.

OIG initiated four additional audits and completed three non-audit projects in 2019, including a review of SPD firearms inventory controls, an assessment of the Force Review Board conducted as part of City Consent Decree sustainment efforts, and a review of the Crime Stoppers program.

One of the primary oversight mechanisms of OIG is its authority to audit “any and all police operations” to determine whether SPD is delivering “constitutional, professional, and effective police services consistent with best practices...in a way that reflects the values of Seattle’s diverse communities.”<sup>12</sup>

### Audit Standards

OIG follows the Generally Accepted Government Auditing Standards (GAGAS) set by the United States Government Accountability Office. These standards cover topics such as objectivity, quality control, expertise, and evidence. Collectively, the standards are designed to increase the credibility, reliability, and accuracy of audit findings.

A key characteristic of GAGAS audits is independence, which allows auditors to conduct work without being affected by influences that compromise professional judgment. The accountability ordinance established OIG as an independent office to remove outside influence on OIG work products. OIG takes steps to preserve the independence of staff involved in an audit, ensuring there are no circumstances that would compromise independence, or create the appearance of lack of independence.

OIG follows GAGAS, even though the standards can be labor intensive, because the standards ensure OIG auditors are free of conflicts of interest and maintain objectivity, audits have sufficient and appropriate evidence to support findings and conclusions, and reports have been thoroughly vetted for accuracy.

When OIG conducts an audit according to GAGAS, a statement is required in the report regarding whether the full requirements of GAGAS have been met. In situations where OIG is unable to apply the full standards due to time or other logistical constraints, OIG includes a statement explaining the extent of GAGAS compliance. OIG will be subject to future peer review, which will provide external assurance that appropriate standards have been maintained.



<sup>12</sup> Ord. 125315, §3.29.270.A

OIG audit oversight does not conclude when the report is published. The accountability ordinance mandates a timely written response from the audited entity when OIG issues a formal recommendation. GAGAS also requires that OIG follow up on its recommendations to verify whether the audited entity completed its implementation plan and whether the result meets the goals of the original recommendation. This follow up mechanism supports transparency and follow-through on areas for improvement identified in the audit, and helps OIG assess whether its recommendations have had an impact.

**Audit Selection**

Although there are a multitude of issues OIG might audit within SPD or OPA, OIG resources are finite. Selection of audit topics is determined by a risk assessment matrix as described in the OIG annual work plan. When developing the plan, OIG considers both the impact of a potential issue (its consequences if it occurs) and likelihood of a system problem (probability of occurrence).

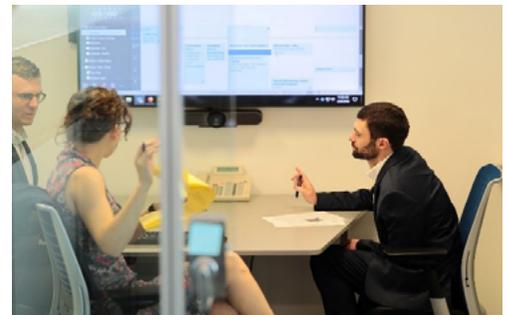
**Figure 3-1. OIG Risk Assessment Matrix for Project Selection**

Likelihood	3	Medium Risk	High Risk	Highest Risk
	2	Low Risk	Medium Risk	High Risk
	1	Insignificant Risk	Low Risk	Medium Risk
		1	2	3
		Potential Impact		

OIG identifies potential areas of inquiry by looking at information from a wide variety of sources, such as information gathered by staff through prior activities, systematic review of SPD organizational units and policies, referrals from oversight partners, and input from community through engagement and complaints filed. Identifying potential audit topics from these varied sources ensures that the projects OIG undertakes are consistent with the public interest.

**Time and Resources**

As an approximate measure, a complex major audit generally takes two staff, who are often working on multiple audits, six to eight months to complete given issue complexity and GAGAS quality control check requirements. Each statement in an audit report must be supported by sufficient and appropriate evidence, as validated by detailed internal quality control. To ensure all evidence can withstand review by a reasonable outside party, when possible, a third auditor completes the final quality control analysis. Through mid-October, OIG had two auditors on staff. As a result, audit staff were conducting multiple audits and non-audit projects simultaneously in order to advance the OIG work plan on priority subjects.



## Completed Audits

In June 2019, OIG completed its first major audit, *Audit of SPD Compliance with Chapter 14.12 of Seattle Municipal Code, Collection of Information for Law Enforcement Purposes*,<sup>13</sup> as required by the Seattle Municipal Code.<sup>14</sup> Chapter 14.12 governs how the Seattle Police Department can collect, receive, transmit, and use protected information, including information about an individual's sexual orientation and political and religious affiliations of individuals and organizations.

### Chapter 14.12 Audit Findings

OIG did not detect any violations of Chapter 14.12 during the audit. However, OIG identified several issues arising from the outdated language of the Chapter that prevented OIG from being able to definitively determine whether SPD is in full compliance with the Chapter. For example, the Chapter was adopted in 1979 and does not address modern methods of information-sharing, resulting in inconsistent practices by different units within SPD. The current wording of the Chapter is not specific enough for OIG to determine whether some of these practices are in violation of City code.

Additionally, OIG was unable to determine whether past authorizations issued by SPD complied with the Chapter, as SPD had previously disposed of relevant records in compliance with Chapter records retention requirements.<sup>15</sup> Because the Chapter requires the Intelligence Section to review and purge records that are no longer relevant, OIG was not able to review older authorizations that had been purged. OIG noted that the Intelligence Section personnel were knowledgeable regarding the requirements of the Chapter and all current records were appropriate.

While OIG did not find any specific issues involving unauthorized collection of information in a review of patrol reports, OIG identified gaps in SPD training and policies which may create risks for future compliance.

Finally, OIG determined that other, more general SPD records retention practices driven by state records retention requirements do not align with the retention requirements of the Chapter. OIG noted the possibility that limits set by the Chapter for retaining records could conflict with state records retention requirements and restrict the ability of SPD to comply with public records requests or investigate misconduct and crime.

### Status of Recommendations

SPD is required to provide a formal response to each audit recommendation at the time of each audit report. The recommendations and current status reported by SPD are summarized in Table 3-1, below. Please note that the "Reported Status" column reflects the status as submitted by SPD. OIG will validate the status of all recommendations reported as implemented in its next audit of Chapter 14.12, occurring in 2020.

Throughout the audit, SPD was cooperative and timely in providing access to information. It is noteworthy that in this first OIG audit of SPD, SPD concurred with all recommendations.

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<sup>13</sup> <http://www.seattle.gov/Documents/Departments/OIG/Audits/2018IntelComplianceAudit062119.pdf>

<sup>14</sup> The accountability ordinance tasks OIG with duties prescribed by SMC 14.12.330.

<sup>15</sup> Chapter 14.12 specifies that the Mayor shall appoint an auditor for this task. Until 2015, this work was performed by Professor David Boerner. Ordinance 125315, passed in 2017, assigned this function to OIG. The first Inspector General was hired in 2018 and the first OIG auditor was hired in September 2018. The audit scope period covered activities and authorizations conducted between 5/30/2015 and 11/1/2018, based on the date of the last audit completed by Professor Boerner.

**Table 3-1. Status of Chapter 14.12 Audit Recommendations**

Recommendation	SPD Response	Est. Completion Date by SPD	Reported Status as of 1/21/2020
<p><b>Clear policy.</b> The Chief of Police, in consultation with the City Attorney's Office, should develop a clear policy for whether written authorization is required prior to collecting protected information from open sources or third parties. If necessary, the Chief of Police should offer suggestions to the City regarding changes to Chapter 14.12 that would provide the required clarity.</p>	Concur	Q3 2019	SPD reports this recommendation has been implemented.
<p><b>Clear procedure.</b> The Chief of Police should ensure there is a procedure in place to notify OIG of all approved written authorizations to collect protected information.</p>	Concur	Q3 2019	SPD reports this recommendation has been implemented.
<p><b>Records retention.</b> The Chief of Police should ensure that SPD retains records relating to approved written authorizations for at least six months, to facilitate future audit reviews.</p>	Concur	Q3 2019	SPD reports this recommendation has been implemented with some modification (SPD agreed to notify OIG 30 days before destroying records).
<p><b>Consistent policy.</b> The Chief of Police should ensure that Policy 6.060, Collection of Information for Law Enforcement Purposes, includes all requirements of Chapter 14.12, being cognizant of any updates that are contemplated by the City, and ensure staff are updated on any changes or additions to the policy or Chapter.</p>	Concur	Q4 2019	SPD reports that this recommendation was not implemented, stating that no modifications will be necessary, per the implementation of Recommendation #1.
<p><b>Alignment of policy.</b> The Chief of Police, in consultation with the City Attorney's Office, should review Chapter 14.12, SPD policy, and state law in light of current records retention needs. The Chief of Police should either modify SPD policy or offer suggestions to the City regarding revisions to the retention provisions of Chapter 14.12 to bring SPD records retention into alignment with applicable laws.</p>	Concur	Q3 2019	SPD reports that this recommendation was not implemented. SPD reports that it has reviewed the applicable records retention requirements and no modification of either policy or ordinance is necessary.

The full audit, as well as the management response submitted by SPD, can be found on the OIG website at [www.seattle.gov/oig/reports](http://www.seattle.gov/oig/reports).

## **Audits Initiated in 2019**

OIG began work on four audits in 2019 that were continued into 2020.

### **Canine Unit**

OIG initiated an audit of SPD use of patrol canines in July 2019. The objective of the audit is to examine adherence to policy and consideration of applicable best practices for training, deployment, supervision, and reporting within the Canine Unit. Audit activities in 2019 included interviewing numerous SPD personnel as well as outside experts, observing many hours of canine training, and conducting detailed analysis of SPD certification, training, and deployment records.

### **Mutual Aid**

In mid-2019, OIG began an audit of SPD operations when engaging with other agencies under task force and mutual aid agreements to assess compliance with SPD policy. To ensure proper understanding of community concerns, OIG met with community stakeholders. To gain an understanding of the nature and extent of SPD interactions with other law enforcement agencies, OIG interviewed members of most task forces in which SPD is involved and evaluated data reflecting mutual aid events.

### **DNA Destruction**

At the request of the Chief of Police, OIG began a review of the mistaken destruction of 107 DNA swabs. OIG is assessing the surrounding circumstances and policies, as well as any corrective action that has since been taken by SPD. Work began in September 2019 and involved interviewing numerous members of SPD, as well as individuals from the City Attorney's Office and the King County Prosecuting Attorney's Office. OIG also traced the history of each DNA sample destroyed, visited each precinct to observe evidence storage protocols, and toured the Evidence Warehouse.

### **Chapter 14.12 Follow-up to 2019 Audit**

OIG is required by ordinance to bi-annually determine whether SPD is complying with Chapter 14.12 of the Municipal Code regarding the collection of private sexual information and other restricted information. OIG currently reviews each new authorization issued under Chapter 14.12 at the time of its issuance and reviews any related records at the time of destruction on an ongoing basis. The first OIG audit of Chapter 14.12 was issued in June 2019. The second audit of Chapter 14.12 in 2020 will include formal follow-up on the recommendations issued in the 2019 audit as well as a summary of OIG's ongoing review of authorizations issued under the Chapter.

## **Completed Non-Audit Projects**

In addition to audits, OIG also carries out non-audit projects, such as when timeliness precludes the possibility of a full GAGAS audit. Non-audit projects still meet rigorous standards regarding independence, objectivity, and sufficiency of evidence.

Non-audit reports do not contain formal recommendations, but instead highlight suggestions or matters for SPD to consider. SPD is not required to provide a formal response to non-audit suggestions. To track the effectiveness of these reviews, OIG asked SPD to indicate whether it has taken action on suggestions issued in 2019.

**Crime Stoppers**

In April 2019, at the request of Chief Best, OIG reviewed the relationship between SPD and Crime Stoppers of Puget Sound (CSPS).<sup>16</sup> OIG found that there appeared to be an unusual information-sharing relationship between SPD and CSPS compared to other large police departments, and that SPD was unable to locate the terms of the contract. A claim involving potential improper release of victim information was identified and forwarded to OPA.

**Table 3-2. Status of Crime Stoppers Suggestions**

Suggestion	Action(s) Reported by SPD as of 2/18/2020
<p>The information-sharing relationship between SPD and CSPS appears to be unusual compared to other large police departments, such as the New York Police Department and the Los Angeles Police Department. These departments do not share their information with the local Crime Stoppers branch but may review information that Crime Stoppers sends to the department.</p>	<p>In 2019, SPD reviewed both the terms of the existing agreement and the need for continuation.<sup>17</sup></p>
<p>The contract between SPD and CSPS has the potential to be problematic, as the contract has no end date and SPD was not able to locate the terms of the contract.</p>	<p>In 2019, SPD reviewed both the terms of the existing agreement and the need for continuation.</p>

**Firearms Inventory Controls Review**

In May 2019, OIG released the Firearms Inventory Controls Review in response to an OPA complaint referred to OIG alleging missing assets.<sup>18</sup> SPD was unable to identify the location of eight firearms listed as SPD assets. Additionally, SPD was unaware that some SPD firearms were not included on the master list of firearms or that some firearms were in the possession of other city departments. Finally, the SPD manual did not require SPD to report missing firearms to any outside entity.

<sup>16</sup> <http://www.seattle.gov/Documents/Departments/OIG/Other/CrimeStoppersMemo042919.pdf>

<sup>17</sup> SPD reported that on 5/1/2020, SPD provided a 90-day notice of intent to terminate the agreement effective 8/1/2020. OIG will report on this more fully in the 2020 annual report.

<sup>18</sup> <http://www.seattle.gov/Documents/Departments/OIG/Audits/FirearmsReview052319.pdf>

**Table 3-3. Status of Firearms Inventory Controls Review Suggestions**

Suggestion	Action(s) Reported by SPD as of 2/18/2020
SPD should consider amending its practices to ensure that firearms inventory processes include all SPD-owned firearms, including those used by other city entities and converted firearms.	SPD is in discussion with other City department stakeholders on this topic.
SPD should consider conducting a firearms inventory of all firearms formerly listed as assets and that could potentially have been overlooked by prior APRS inventories of firearms. OIG is available to assist with this inventory.	SPD completed this inventory Q1 2020.
SPD should consider requiring that all lost or stolen SPD firearms be reported to the National Crime Information Center Database and the Washington State Department of Licensing.	SPD stated that it reported all 10 firearms that were unaccounted for and provided documentation of the report.

### Force Review Board Assessment

OIG undertook an assessment of the SPD Force Review Board (FRB) from April to June and released the report in late July 2019.<sup>19</sup> This assessment was completed at the request of the Seattle Police Department, which was charged with assessing FRB pursuant to the two-year sustainment plan under the Consent Decree. As FRB is a review function within SPD, OIG was better suited to provide an objective, external assessment of the SPD internal review process. OIG undertook the assessment with the approval of the U.S. Department of Justice and the federal court-appointed Monitor. The Force Review Board Assessment is notable as an example of the type of project OIG may perform to continue sustainability efforts when the City exits the Consent Decree.

FRB serves two primary functions: (1) ensuring individual accountability for officer actions in use of force situations and (2) providing lessons learned for continual improvement of the department. To assess the Board’s ability to fulfill these functions, OIG modeled portions of its assessment on the original Board assessment conducted by the Monitor in 2015.

The OIG review found that, overall, the Board met the requirements of SPD Policy 8.500, which reflect the tenets of the Settlement Agreement. Board composition and training mandates were fulfilled. In its review, which included observation of five Board meeting sessions, OIG raters generally agreed that the Board had adequate discussions which covered all elements of the policy.

OIG identified opportunity for growth with two primary suggestions for SPD. OIG suggested SPD should examine ways to enhance the depth of critical analysis on the Board with respect to de-escalation, tactics, and decision-making. OIG also suggested SPD follow up on implemented Board recommendations to ensure the desired changes are achieved. OIG also offered a range of additional suggestions, as detailed in Table 3-4.

<sup>19</sup> <http://www.seattle.gov/Documents/Departments/OIG/Audits/ForceReviewBoardAssessment073119.pdf>

**Table 3-4. Status of Force Review Board Assessment Suggestions**

Suggestion	Action(s) Reported by SPD as of 2/18/2020
<b>Board purpose.</b> Produce a clear mission statement regarding the purpose of the Board and ensure consistent understanding of key concepts, such as de-escalation, used in Board deliberations.	The Professional Standards Bureau (PSB) has a draft Mission statement for the FRB pending approval by the COP.
<b>Board purpose.</b> Review the template used to facilitate Board discussions and consider distinguishing the discussion of individual actions from discussion of hypothetical alternatives with the goal of systemic improvement.	The Force Review Unit (FRU) is charged with working on this project in concert with the assembled work group.
<b>Board composition.</b> Ensure all precincts have at least one Board representative to provide a dedicated resource and conduit for information to improve chain of command investigations and to disseminate lessons learned in a timely manner.	FRB seeks to have representation from each precinct and since the Assessment, a South Precinct representative has been added. Transfers and promotions can impact board composition, so the FRB will seek to replace members who have moved on to maintain representation of each precinct.
<b>Board training and expertise.</b> Poll Board members to determine if increased training for any less lethal tools or specialty unit tactics would be beneficial. This could include consideration of the role of subject matter experts.	In-progress by the FRU lieutenant. Beyond just a poll, FRU is going to bring in subject matter experts on each less lethal tool and train or refresh the members on each topic.
<b>Board training.</b> Assess the various ways in which Board members receive knowledge of patrol tactics and how SPD can systematically ensure that existing and incoming members will remain current as patrol tactics change.	SPMA members are required to attend the same tactical training received by SPOG members.  <i>OIG Note: Per SPD, this requirement was put into place in 2020.</i>
<b>Board deliberations.</b> Evaluate ways to mitigate Board concerns regarding OPA referrals for minor misconduct. This step may not be necessary given forthcoming work with OPA regarding the minor misconduct investigation process.	This task will need to be negotiated. However, the OPA Director, in attendance at the FRB, encourages the chain of command to handle minor policy violations. <sup>20</sup>
<b>Board deliberations.</b> SPD should examine ways to enhance the depth of critical analysis with respect to de-escalation, tactics, and decision-making.	Since the Assessment, the FRB is already doing this. Additionally, as the work group led by FRU reviews and redesigns the templates, guidelines, and Findings document, the goal is to do so in such a way that it will elicit more descriptive explanations of tactical options utilized in each step of force reporting, investigation, and review.

<sup>20</sup> Based upon SPD policy revisions, minor policy violations are handled as “performance deficiencies.”

Suggestion	Action(s) Reported by SPD as of 2/18/2020
<b>Recommendation follow-through.</b> SPD should follow up on implemented Board recommendations to ensure that the desired changes are achieved.	The PSB Strategic Advisor is charged with this task and work is in progress.
<b>Recommendation follow-through.</b> Analyze recommendation implementation status to identify trends. If there are a significant number of non-implemented recommendations, evaluate and address the root cause.	The PSB Strategic Advisor is charged with ensuring compliance and working on this project.
<b>Communication.</b> Evaluate ways in which Board decision-making processes could be made more transparent to SPD in a way that preserves the quality and confidentiality of Board discussions.	In-progress. FRU is assembling a diverse work group to help develop Board communication.
<b>Communication and follow-through.</b> Enhance distribution of Board insights and lessons learned to all SPD personnel while respecting the privacy of officers involved in the incidents.	The FRU is working on this with the PSB Chief, the Strategic Advisor, the FRU, the Force Investigations Team, and the assembled work group.

As with the OIG audits, SPD worked cooperatively with OIG on its non-audit projects. OIG appreciated the willingness of SPD personnel to share their candid insights and feedback with OIG, even when that feedback highlighted areas ripe for improvement. The independent nature of OIG helps personnel to communicate concerns without fear of attribution or reprisal, which in turn aids OIG in accurately assessing the health and effectiveness of department systems.

Thus far, OIG audits and non-audit projects have produced opportunities to strengthen and improve a range of areas within SPD, from modifying individual policies to enhancing the way SPD reviews force. In 2020, OIG audits will continue to identify recommendations to improve the effectiveness and efficiency of the department. In addition to the ongoing projects discussed above, OIG will begin audits of other major topics that have been the subject of considerable public attention, such as discipline and officer retention.

## CHAPTER 4: POLICY WORK

### Highlights

OIG policy work includes research collaborations, technical assistance to partner agencies with a focus on process improvements, special projects, and systems trend analysis. OIG uses the power of data and best practices research to focus on areas with the greatest potential for systemic change.

### Data Collaborations

OIG uses research methods and statistical analysis to analyze trends and issues within the accountability system. The ability to access and analyze data used by system partners is critical in ensuring the transparency of those systems. It requires ensuring necessary information is being gathered and that the data is accurate for analysis of the underlying operations. Working in collaboration with the system partners in this endeavor ensures respective needs and responsibilities regarding data collection are considered and incorporated for consistency of data and unity of purpose.

### OPA Case Management Analytics

During 2019, an ongoing challenge for OIG was the OPA case management system, which was built for operations, not oversight analysis.<sup>21</sup> As a result, cases had to be reviewed individually to access critical information, including:

- investigation start and end dates;
- length of deadline extensions;
- length of time for a case to move from investigation to supervisor and OIG review;
- means and timing for contacting external complainants; and
- number of complaints with sustained findings.

These limitations posed a significant challenge to OIG analysis of OPA trends and outcomes, discussed in Chapter 5. OIG, OPA and SPD collaborated extensively in 2019 to improve data collection and data systems infrastructure. Specifically, OIG partnered with OPA and SPD to identify necessary categories to track in the OPA case management system for meaningful oversight and analysis. These changes also require changes to OPA business practices, as investigators must learn to enter case information in new ways. SPD assisted in ensuring that the OPA changes are accessible by the SPD Data Analytics Platform (DAP) data warehouse, an advanced data analytics platform that draws data from many SPD systems and that increases the power of OIG analytics.

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<sup>21</sup> For example, in 2019 OPA had the ability to access the underlying data repository to modify case information directly (editing or deleting), which is not tracked by the system audit log. This is efficient, but raises internal control issues.

The most important achievement of this collaboration was the standardization of OPA complaint data management processes and planned adaptation of the data to be compatible with the design of DAP. For these systems to work well together, it requires a coordinated approach, so that any future changes made to the OPA case management system are compatible with the goals of oversight and continued integration with DAP.

### Criminal Justice Research Consortium, Northwest

OIG is a member of the Criminal Justice Research Consortium, Northwest (CJRC), created by SPD in 2019 to share data, subject matter expertise, and conduct joint research. Current members of CJRC include researchers from SPD, OIG, the Washington State Center for Court Research, and Harborview Injury Prevention and Research. CJRC looks for ways to combine the power of each agency’s available data sources to answer research questions of public interest about the criminal justice system. OIG will continue to be an active member of CJRC in 2020, working on collaborative projects to understand how the criminal justice system serves people differently and what risks and protective factors affect recidivism.

### Technical Assistance Projects

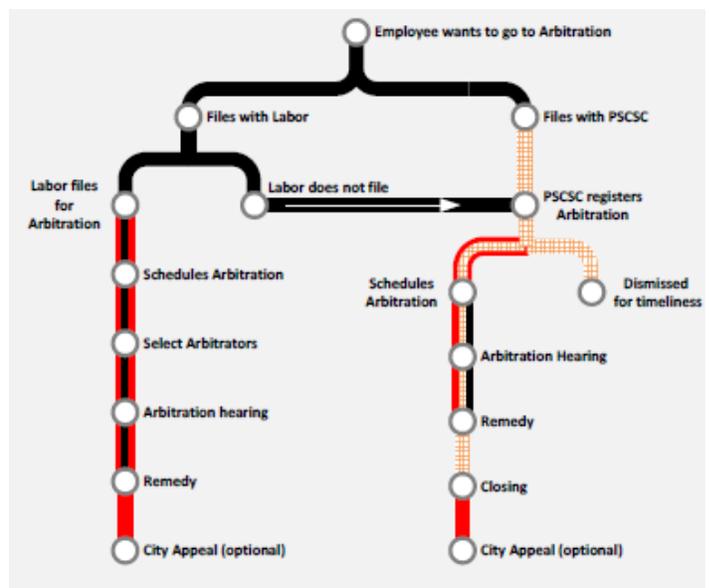
In its first full year of operations, much of OIG policy work was characterized by creating and memorializing processes and protocols. OIG maps complex processes to fully understand their current state, setting the stage for subsequent informed evaluation and analysis. Mapping also allows OIG to identify and address inefficiencies or missing steps that might not have otherwise been identified, such as when a process lacks clarity regarding the appropriate person or means to move an action to the next step.

### Disciplinary Process Mapping

OIG is charged with collaborating with SPD to make sure the disciplinary process is as fair, transparent, and effective as possible. In 2019, OIG completed an extensive, detailed mapping of the SPD disciplinary process.<sup>22</sup>

This map created a visual aid to assist interested stakeholders, including the public, in understanding the process for handling complaints alleging SPD officer misconduct. The map includes all steps in the process, from initial receipt of a complaint through all possible avenues for resolution, and it has been accepted and thoroughly vetted by each of the named participants. It has been used by accountability stakeholders as a starting point for conversations on discipline, especially on the arbitration process which is of great interest to community, Consent Decree partners, and those who have an interest in labor negotiations.

**Figure 4-1. Arbitration Process**



As a follow-on to this project, OIG will audit the SPD disciplinary process in 2020. The audit will examine the consistency, fairness, and effectiveness of the system.

<sup>22</sup> <http://www.seattle.gov/oig/policy/spd-disciplinary-process-roadmap>

### Evaluation of SPD Disparity Review Methodology

As part of the SPD Sustainment Plan, in 2019 SPD was required to report on racial disparity in stops and detentions. SPD planned to use a statistical method called Propensity Score Matching (PSM) to determine whether certain racial and ethnic groups were disproportionately represented in investigative stops when compared to characteristics of the subject of the stop, the officer, or the event. As PSM is not a commonly used technique within criminal justice research, SPD requested OIG provide an independent evaluation of the adequacy of PSM for this purpose.

OIG conducted an *Evaluation of Disparity Review Methodology* to provide external review and validation of SPD's proposed evaluation method.<sup>23</sup> The OIG evaluation consisted of (1) a literature review to compare the potential effectiveness of analyzing SPD data using logistic regression, logistic regression with blocked-paired sample, and propensity score matching and (2) empirical testing of the three statistical methods using SPD disparity data. In the analysis, PSM outperformed the other models in terms of its ability to handle the types of data available to SPD and ability to do automated matching of data points for analysis to reduce potential for human error. Accordingly, OIG concluded that PSM was an appropriate statistical method for SPD to use.

### SPD Audit Policy & Research Section Process Improvements

The SPD Audit, Policy and Research Section (APRS) is responsible for researching, developing, and reviewing department policies, as well as conducting compliance reviews and inspections to ensure SPD is following its established policies. The APRS Policy Section requested assistance from OIG to improve its policy review process in light of federal Consent Decree attention on SPD policies.

This technical assistance consisted of:

- providing the APRS Policy Section with the skillset to visualize their existing policy review process, monitor the interval between updates of each policy, and diagram the policy review workflow;
- facilitating work sessions with APRS Policy Section personnel to identify roadblocks, bottlenecks, and discrepancies impacting their authority and responsibilities;
- offering a variety of risk-matrices to assess and prioritize workload; and
- supporting the APRS Policy Section in developing a strategy for policy review process improvements.



With OIG guidance, APRS Policy Section detectives created plans to eliminate roadblocks and provide contingencies. They designed, tested, and implemented processes for policy development. Finally, they created an updated workflow diagram that incorporated best practices drawn from OIG policy research.

OIG will continue to partner with APRS on this initiative in 2020 to ensure the new skillsets are strengthened and institutionalized in a manner that can survive staffing changes.

<sup>23</sup> <http://www.seattle.gov/Documents/Departments/OIG/Policy/DisparityMethodEval031819.pdf>

## Special Projects

OIG works on special projects in collaboration with SPD and the other accountability partners. These projects, backed by scientific evidence or originating from best practices within other jurisdictions, have the potential to create large-scale culture change from within SPD.

### Effective Interviewing



In some jurisdictions, police interview and interrogation practices may employ deception and/or use techniques not grounded in current social science research. Such practices fail to serve the interests of public safety and nationally have been linked to false confessions resulting in wrongful convictions and corresponding missed opportunities to identify actual perpetrators. In the fall of 2018, SPD trained some of its detectives in an international model of interviewing known as the U.K. PEACE model,<sup>24</sup> which addresses these concerns. A portion of that training was attended by the Inspector General. That same fall, CPC coordinated an educational session for SPD, CPC, OPA, and OIG with an expert on the U.K. model.

Building on that work, OIG held conversations in 2019 with a variety of partners, including CPC, OPA, SPD, Seattle ACLU, Innocence Washington, and the national Innocence Project to discuss best practices regarding effective interviewing techniques that best capture reliable information from victims, witnesses and suspects.

At the end of 2019, OIG, in partnership with SPD and OPA, engaged the services of an expert to create and implement a training program on effective interviewing for SPD, OPA, and OIG investigative staff. This project was supported by the groundwork laid by SPD and followed up by CPC in 2018. The first training date was originally scheduled for April 2020 but has been postponed due to the COVID-19 pandemic.

### Sentinel Event Review

OIG responds to the scene of significant uses of force to observe investigations and attends the associated departmental reviews. OIG began exploring the feasibility of a review board to engage in a systems-based, root cause analysis of incidents involving significant force, pursuits resulting in significant injury or death, and other events of public concern. OIG researched similar approaches used by the health care and aeronautics industries and explored potential frameworks for a Seattle model. The focus of recommendations from the board would be systemic improvement, with community perspective, law enforcement, and other relevant subject matter experts at the table. Individual officer accountability would continue to be within the purview of the SPD Force Review Board and OPA. OIG plans to implement a pilot sentinel event review program in 2020, although this may be delayed by impacts of the COVID-19 pandemic, including impacts on OIG staffing.

<sup>24</sup> 'PEACE' stands for: • Planning and Preparation • Engage & Explain • Account, Clarification & Challenge • Closure • Evaluation. This model, collaboratively developed in the early 90s, between law enforcement and psychologists in England and Wales, takes a conversational, non-confrontational approach to getting information from an investigation interview subject.

## Peer Intervention

In September 2018, OIG recommended to Chief Carmen Best that SPD consider implementing a peer intervention program. In such a program, officers are encouraged and empowered to intervene with fellow officers to prevent instances of unprofessionalism or misconduct. It is a social-science based approach to reducing situations that result in complaints against officers or occurrences of officer misconduct.

In furtherance of a collaboration, SPD, SPOG, and OIG sent representatives to a conference on a model program in the summer of 2019. The program has been slow to get started at SPD, but leadership has expressed commitment to the idea and labor has also expressed interest in the program. Any such program would be most effective if implemented from within. OIG was available as a technical assistance resource for SPD in 2019 and will continue to offer support to SPD in 2020, including comparative analysis of other programs across the country.

## Systems Analysis

Each year, the OIG annual report is required to include an analysis of trends, including a review of inquests, claims, and lawsuits filed against SPD. Analysis began with an identification of baseline data for claims and lawsuits. Future annual reports will include a review of successful practices in other jurisdictions, including any implications for the use of sworn and civilian staff by OPA.<sup>25</sup>

## Trends in SPD Inquests, Claims, and Lawsuits

OIG is tasked by ordinance to analyze trends of disproportionality or other concerns compared to previous years. The current analysis is based on incidents alleging that SPD operations, personnel, equipment, or vehicles usage resulted in loss, injury, or damages. This report focuses on establishing baseline data from 2018 and 2019 for future analysis. The scope of this baseline analysis is focused on aggregate data.

### *Inquests<sup>26,27</sup>*

Washington state law gives County Coroners authority to hold inquest proceedings into deaths that occur in their Jurisdictions. In 2019, King County (KC) updated its inquest program and published new rules and policies on December 4th, 2019. Inquests are conducted by King County Department of Executive Services Inquest Administrators, not the involved police department. Currently, there are two King County inquests in progress related to SPD deadly uses of force—from 2017 and 2018.<sup>28</sup>

### *SPD Claims*

Claims allege fault by SPD for incidents resulting in loss, injury, or damages. Claims are reviewed and investigated by the City's Risk Management Office and are resolved by the City (1) paying a sum of money, (2) transferring the claim to another entity,<sup>29</sup> or (3) denying the claim, finding no evidence of City negligence.

<sup>25</sup> These components are required by Ord. 125315, §3.29.270.D.7 and .D8.

<sup>26</sup> Required by Ord. 125315, §3.29.270.D.14.7

<sup>27</sup> King County Inquest Program webpage: <https://www.kingcounty.gov/services/inquest-program/process.aspx>

<sup>28</sup> Current SPD inquest proceedings have been stayed due to legal challenges to the recent rulemaking process.

<sup>29</sup> Transfers include claims sent to other entities or jurisdictions. <http://www.seattle.gov/filing-a-damage-claim#whathappenswhenifilemyclaim>

In 2018 and 2019, there were 486 SPD claims filed involving twelve different event types.<sup>30</sup> Of the event types, four accounted for 474 (98%) of claims: Fleet, Tow, Police Action, and Bailment. The following table shows the claim counts and payments made by the City by event type.

**Table 4-1. Claims Filed and City Payments in 2018 and 2019 by Event Type**

Claim Event Type	2018		2019	
	Count	Payment	Count	Payment
Fleet	50	\$ 186,600	51	\$ 107,360
Tow	145	\$ 31,442	125	\$ 28,730
Police Action	44	\$ 5,947	35	\$ 4,931
Bailment	16	\$ 3,431	8	\$ 1,478
All other claims	9	\$ 268	3	\$ 0
<b>Total</b>	<b>264</b>	<b>\$ 227,688</b>	<b>222</b>	<b>\$ 142,499</b>

The City paid a total of \$227,688 in 2018 and \$132,499 in 2019 for SPD claims. Fleet incidents involving SPD vehicles, such as mostly minor vehicle collisions, represented 81.9% and 75.3% of the total paid for SPD claims in 2018 and 2019 respectively. OIG will track the intersection between SPD Collision Board review of these incidents and corresponding fleet claims.

Bailment claims and their related payments in 2018 and 2019 constituted between 1%<sup>31</sup> and 1.5%<sup>32</sup> of the total amounts paid by the City. Despite making up a low percentage in both claim counts and payment, OIG will analyze this event type further as the safeguard of personal property by SPD is an important issue of public trust and is an issue that has been the subject of OPA complaints.

### *SPD Lawsuits*

Lawsuits brought as a result of SPD operations involve employment disputes, police action, and torts. SPD is counseled and represented by the City Attorney’s Office (CAO) Civil Division in these matters.

There are four possible resolutions for litigation: dismissed no payment, settlement, judgment with payment, and judgment without payment. Most of the lawsuits resolved in 2018 and 2019 were the product of events that occurred in previous years, making it challenging to identify whether the individual conditions that caused those incidents still exist, given the time lag.

Employment Disputes:<sup>33</sup> involve active or previous SPD employees who allege loss, injury, or damages resulting from their labor relationship with SPD. In 2018, there were four active cases from previous years and two new suits filed. Of those, four lawsuits were closed; three were settled, and a lawsuit initiated in 2014 ended in a resolution by a judge. The total payout for SPD employment lawsuits in 2018 was \$5,073,865.

In 2019, no new SPD employment lawsuits were filed; an older case is still active, and another was settled with payment of \$200,000.

<sup>30</sup> Types are based on general categories used by the Seattle Finance and Administrative Services Department (FAS). They include the following: bailment, bicycle incidents, court action, discrimination, environmental-police action, facilities-SPD, fire action with SPD participation, fleet, police action, public disclosure, street defect-police action, and tow.

<sup>31</sup> 2019 claims data.

<sup>32</sup> 2018 claims data.

<sup>33</sup> Seattle CAO employment lawsuits are those claiming general employment law violations or contract violations.

Tort Litigation: involves allegations of personal injury and property damage cases, related to SPD. These cases involve allegations of police negligence unrelated to use of force, such as injury caused by an SPD employee traffic accident. In 2018 and 2019 the City settled four such cases and resolved one through arbitration. Others were resolved prior to trial or by voluntary dismissal. The total payout for SPD tort cases in 2018 and 2019 was \$306,153. Six cases involving alleged SPD negligence were filed in 2018 and five in 2019.

Police Actions: involve allegations that SPD operations were responsible for loss, injury, or damages. As depicted in Table 4-2 below, there are more police action lawsuits than SPD labor lawsuits, but the combined payouts for 2018 and 2019 were lower for police action lawsuits (\$130,500 in 2018 and \$123,500 in 2019, respectively). Due to the small case numbers, yearly amounts could fluctuate greatly over time.

**Table 4-2. Police Action Lawsuits: Counts, Status, Disposition, and Payments**

	Police Action	2018	2019
Lawsuits count	Active from previous years	13	17
	New	14	10
	<b>Closed</b>	10	11
Disposition of closed lawsuits	Dismissed No Payment	7	9
	Dismissed Miscellaneous	1	0
	Settlement	2	2
<b>Amounts paid in settlements and judgments</b>		<b>\$ 130,500</b>	<b>\$ 123,500</b>

OIG will work with CAO and Seattle Finance and Administrative Services Department (FAS) to improve the processes for tracking, sharing, and validating information regarding lawsuits and claims resulting from SPD operations. This will assist OIG with identifying trends in future analysis.

### Staffing Study of Sworn and Civilian Investigations of Police Misconduct

In 2018, the City of Seattle ratified a new collective bargaining agreement (CBA) with the Seattle Police Officers’ Guild (SPOG), the largest sworn labor organization in SPD. One of the accountability-related provisions contained therein allows OPA to hire up to two civilian investigators.<sup>34</sup> OIG is charged with evaluating the efficacy of OPA’s civilian and sworn staffing mix,<sup>35</sup> in recognition of community concerns about the dynamics of having officers investigate officers, a model historically used by SPD and many other jurisdictions. Formulating a baseline of foundational knowledge for comparison has been challenging, as there do not appear to be comparable structures across the country against which Seattle can be evaluated.

34 “Agreement by and between the City of Seattle and Seattle Police Officers’ Guild.” Appendix D: Civilians in the Office of Police Accountability. [https://www.seattle.gov/personnel/resources/pubs/SPOG\\_CBA\\_2015-2020.pdf](https://www.seattle.gov/personnel/resources/pubs/SPOG_CBA_2015-2020.pdf)

35 Ord. 125315, §3.29.270.D

While OPA has hired civilian employees with investigation-related responsibilities (including intake and supervision), the onboarding of full-time civilian investigators was still in process at the end of 2019. Consequently, there was insufficient data for OIG to analyze the effects of civilianization on OPA police misconduct investigations. However, as an initial step, OIG began researching staffing and hiring practices for police misconduct investigators in other jurisdictions. OIG surveyed 15 different civilian police oversight jurisdictions around the country, looking to identify successful practices, trends, and models for staffing and conducting police misconduct investigations.

Preliminary findings indicated that the City of Seattle was the only jurisdiction with a mix of civilian and sworn personnel authorized to conduct police misconduct investigations, and with civilian supervisors supervising sworn investigators. Job descriptions for civilian investigators were generally clear but varied greatly in job skill requirements. Requirements for civilian investigators ranged from having legal expertise to requiring prior investigative work experience. Further research is needed to determine the clarity and availability of job descriptions for sworn investigators.

The preliminary survey work provides a general picture of how jurisdictions deploy civilian or sworn investigators. The next stage of this work will examine whether any conclusions can be drawn regarding the efficacy of different approaches.

### **Looking Ahead**

OIG collaborations described in this chapter laid the foundation for OIG oversight analysis in the years ahead. In 2019, OIG focused its efforts in creating baseline data for items such as civilianization of OPA investigators and trends in SPD claims and lawsuits. OIG, its partners, and stakeholders will be able to perform accurate, reliable data analysis in the near future, thanks to collective process improvement efforts, information sharing, and the planned migration of data to the shared data analytics platform.

## CHAPTER 5: OPA REVIEW

### Highlights

OPA properly classifies and appropriately investigates a high percentage of cases, and those rates have improved over time. Work in 2020 on data gathering and OPA Manual criteria will help focus OIG and OPA conversations on areas that can improve.

OIG provides oversight of OPA handling of SPD employee misconduct through classification review and certification of investigations. If a conflict of interest prevents OPA from handling a complaint, such as an allegation of misconduct against the OPA director, OIG reviews the complaint and conducts an investigation, if appropriate.

Oversight of OPA in 2019 was made more challenging by data tracking limitations inherent in the OPA case management system. In 2019, OIG engaged in significant effort to establish clean baseline complaint-handling data. Work is ongoing to develop interdepartmental protocols, criteria for review, and data gathering to support effective oversight. Updating the OPA Manual to include changes in OPA programs and practices is a critical component of that conversation, as it is the standard against which OPA is assessed.<sup>36</sup>



With evolving OPA programs and limited data systems, collaboration between OIG and OPA was essential in 2019. OIG acknowledges the hard work of OPA to conduct appropriate investigations and deliver on its responsibilities to provide accountability and procedural justice in resolving individual allegations of police misconduct.

### Complaint Classification

When OPA receives a complaint, it makes a classification decision, which indicates how the complaint will be processed. Consistent classification is a matter of public trust to ensure complaints are initially assessed in a fair manner, consistent with OPA and SPD policy and prior precedent. OIG is charged with reviewing OPA case classifications to determine whether:

1. the classification was appropriate and
2. OPA identified the appropriate allegations and associated employees, if any.<sup>37</sup>

<sup>36</sup> Ord. 125315, §3.29.120.E requires that the OPA Manual be followed and updated annually.

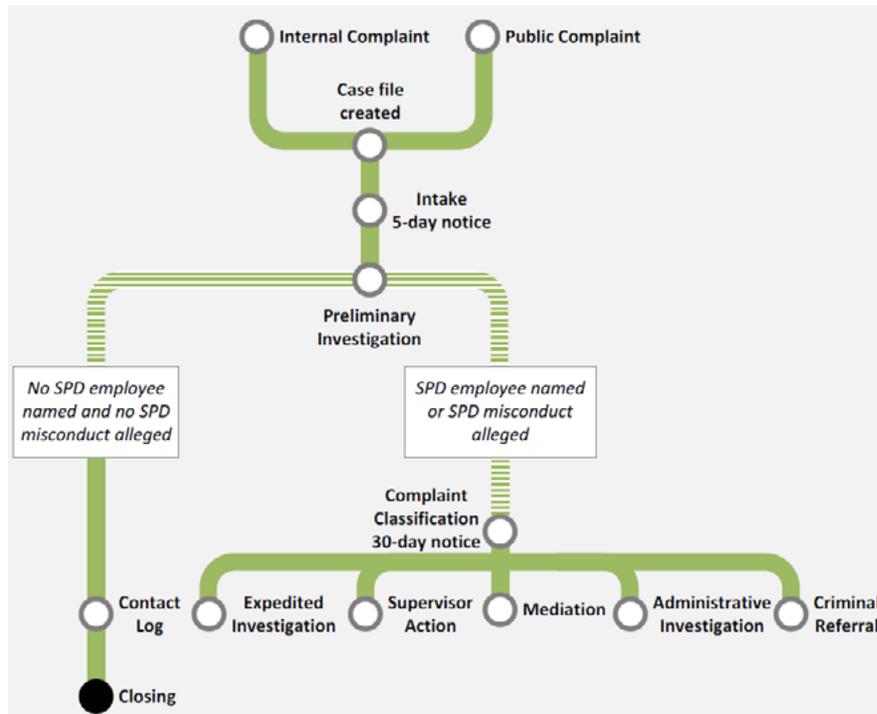
<sup>37</sup> Ord. 125315, §3.29.240.C, §3.29.250.A

There are four primary types of classifications:<sup>38</sup>

- **Contact Log** – does not involve an alleged policy violation based on a preliminary review or have sufficient information to proceed further. Matters are given a case number and a closing letter.<sup>39</sup>
- **Supervisor Action** – involves a minor policy violation or performance issue that is addressed by requesting training, communication, or coaching by the employee’s supervisor.
- **Expedited Investigation** – alleges a policy violation where OPA believes it can issue findings based primarily on its preliminary investigation and without interviewing the involved employee. No discipline can result from this outcome. OPA routes proposed expedited cases to OIG for both classification review and certification. If OIG disagrees with this classification, OPA reclassifies the case for full investigation.
- **Investigation** – alleges misconduct that, if proven to be true, would be a violation of SPD policy or law. Following an investigation, OPA issues a recommended finding which can result in formal discipline.

Less frequent case dispositions include Rapid Adjudication or Mediation, discussed further below.

**Figure 5-1. OPA Case Intake Pathways<sup>40</sup>**



38 The current definition of each case classification used by OPA is available on the OPA web site at <http://www.seattle.gov/opa/complaints/complaint-process#2.classification>. The descriptions provided here are based on OPA Manual requirements and OPA web site classification definitions from 2019.

39 OPA creates a “batch file” for contacts where there was no policy violation alleged. The contacts may be complaints, requests, or statements. OIG reviews these files separately to ensure appropriate disposition. This informal review has not identified any systemic concerns.

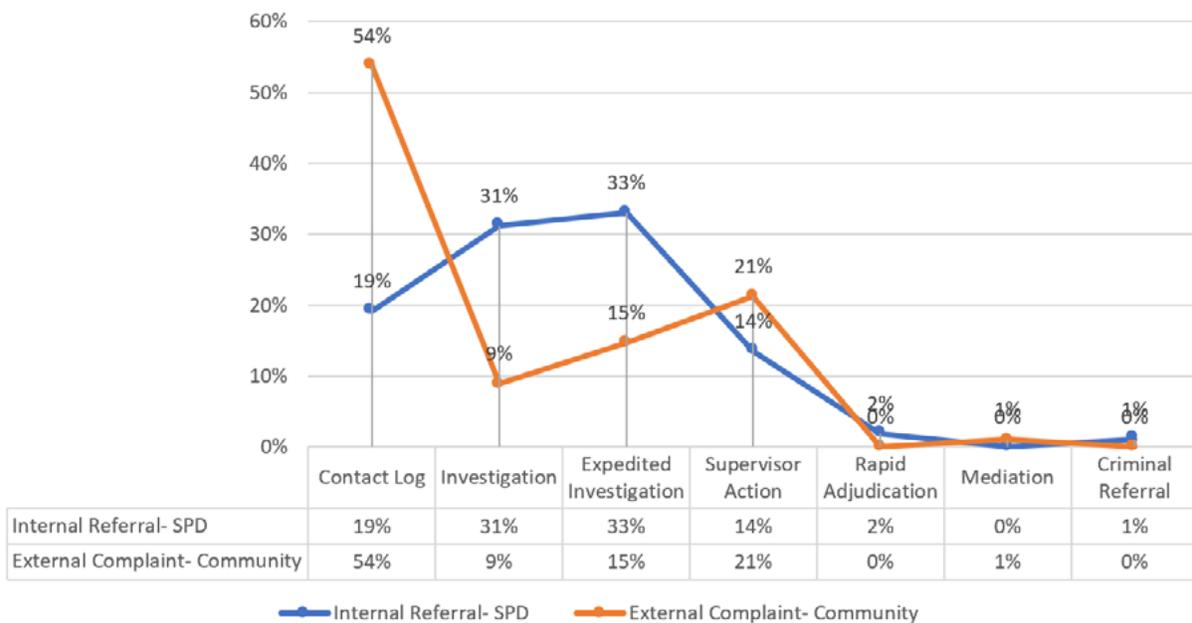
40 “Disciplinary Process – Intake Overview Map.” Office of Inspector General. 2019. <http://www.seattle.gov/Documents/Departments/OIG/Policy/DiscProcess/1-Intake-and-Contact-Log-Overview.pdf>

## Complaints by Classification Type

Complaints of police misconduct can originate from within SPD (internal referral) or be filed by community members (external). From 2018 to 2019, the number of complaints originating within SPD decreased from 523 to 266 (a change of 49%), while the number of external community complaints remained the same (649 and 662, respectively, a change of 2%). A new program that allows unsubstantiated misconduct cases to be handled by the chain of command contributed to this decrease.

As illustrated in Figure 5-2 below, in 2019, a case was more likely to be classified as a Contact Log if it was an external complaint and more likely to be classified for investigation if it was an internal complaint. Because internal complaints are submitted by SPD personnel who are familiar with SPD policy, those complaints are expected to have a high likelihood of alleging conduct that is a policy violation; alleged policy violations are by definition classified for investigation, expedited or otherwise. OIG individual and sample review of OPA classifications help safeguard against bias-driven disparity in classification decisions about when to investigate a complaint.

**Figure 5-2. Classification Percentage for Internal and External Complaints  
(for cases closed in 2019)**



## Classification Review Methodology

OIG reviews classification decisions of certain allegations at the time of classification and conducts retrospective sampling of the remainder.

When OIG assumed the duties of the OPA Auditor in 2018 every classification decision was reviewed. The accountability ordinance gives OIG authority to conduct quarterly sampling of classification decisions, or conduct individual review as needed, so in May, OIG migrated to sampling of Supervisor Action classifications.<sup>41</sup>

<sup>41</sup> OIG conducted a sampling review of Supervisor Actions from all of 2019; in 2020 OIG will conduct Supervisor Action sampling reviews on a quarterly basis.

Contact Logs continued to be individually reviewed at the time of classification because of the impact on public trust, such as complaints from persons in crisis or from members of vulnerable populations.

In May, OIG also began reviewing investigation classifications at the time of certification instead of at the time of classification, because an “investigation” classification provides the highest level of scrutiny for a complaint. Classification review for an investigation consists of ensuring that allegations are not missed.

### Classification Review Findings

In evaluating the appropriateness of OPA classifications, OIG concurred with OPA classifications in almost all cases that had been reviewed individually at the time of classification, and in most cases that had been reviewed retrospectively by sampling, as summarized in Table 5-1, below.

OIG and OPA generally reach a high level of concurrence with individually reviewed cases because of the opportunity for feedback prior to OPA issuing a classification decision. For sampling review, OIG retrospectively measures whether the OPA classifications were proper; this only provides opportunity for future improvement. Since classification involves some degree of discretion in case interpretation, the percentage of disagreement in Table 5-1 should not be equated to misclassification by OPA. At a minimum, it indicates an opportunity for future consideration or highlighting of potential improvement.

With respect to identifying appropriate allegations and the correct involved employees, OIG determined that OPA was widely proficient. The results of OIG classification review for each classification type are discussed further below.

**Table 5-1. OIG and OPA Classification Agreement by Case Type**

OPA Classification	2019 complaints reviewed by OIG	Level of agreement	Type of Review	Timing of Review
Contact Log	403	99%	Individual	At classification
Expedited Investigation	172	100%	Individual	At certification
Supervisor Action	177	88%	Jan to Apr – Individual & sampled May to Dec - Sampled	At classification and in sampling review
Investigation	220	99.9%	Individual	At certification
Rapid Adjudication	6	N/A*	Individual	After case closed
Mediation	7	N/A*	Individual	After case closed
<b>Grand Total</b>	<b>985</b>			

\* Rapid Adjudication and Mediation are programs that were in development in 2019; these cases were reviewed individually for system issues.

## Contact Logs

With the opportunity for consultation and course correction, OIG concurred with final Contact Log classifications in more than 99 percent of cases, including at least eight complaints originally classified as Contact Logs that were reclassified as investigations in 2019.

Per the OPA Manual, Contact Log classifications are appropriate for cases that appear to not involve an SPD employee or possible misconduct. However, OIG noted two cases where OPA classified complaints alleging possible policy violations as Contact Logs. These cases included: a case involving a person in crisis claiming SPD violated the complainant's rights by trespassing onto their property and a case alleging dishonesty by an SPD academy cadet. This category requires careful scrutiny, since OIG sampling review indicated that at least 31 percent of Contact Log complainants were from vulnerable populations (e.g., persons in crisis, disabled persons, or persons experiencing homelessness).

## Expedited Investigations

OIG concurred with OPA Expedited Investigation classifications in 100 percent of 172 cases. In four cases, OIG requested clarification before accepting the final classification. OPA responded to OIG and accepted OIG feedback in all four cases. In one case, OIG identified a missing allegation, which OPA subsequently addressed.

## Supervisor Actions

OPA classified 177 Supervisor Actions. Of those, OIG randomly sampled 68 cases to measure the overall level of classification concurrence between OIG and OPA.<sup>42</sup> OIG deemed the OPA classification of Supervisor Actions appropriate in 60 out of 68 cases (88%), which was the largest percentage of disagreement in any review category.<sup>43</sup> The main concern was OIG determining that investigation should have been the classification. The percentage of disagreement in retroactively sampled cases from May through December highlights that a feedback loop between OPA and OIG at the time of OPA classification could reduce misclassifications. OIG will continue to assess whether quarterly review is appropriate for Supervisor Actions.

## Investigations

OPA routed a total of 220 completed full investigations to OIG for certification. OIG classification review of these cases consisted of ensuring that allegations and relevant employees were not missed. OIG was able to determine that allegations were missed in six cases classified for full investigation.<sup>44</sup> OPA was able to address some of these by opening new cases. Others were not addressed for various reasons, such as amount of time remaining in the 180-day timeline.

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<sup>42</sup> This sample size was selected to achieve a 95% confidence in inferences.

<sup>43</sup> OIG noted in one case that while the decision not to investigate the matter and refer it to the chain was appropriate, the OPA Manual lacks a classification pathway to accommodate this scenario. Given that the allegation involved dishonesty, OPA should resolve this issue in the OPA Manual.

<sup>44</sup> These cases included cases reviewed by the OPA auditor that were certified in 2019. As this was the first full year of analysis, OIG had incomplete data to ascertain the total number of missed allegations. The count includes only those that were specifically identified.

## Classification Review Trends

In the course of conducting classification review, OIG identified several systemic areas in need of further work with OPA, including the following:

- **Professionalism** – OIG and OPA need to reach consensus, and the OPA Manual should provide clarity, about how to assess unprofessional conduct. Respectful policing is an area that has direct, immediate impact on public trust and is important in supporting an internal culture of accountability.
- **Repeated policy violations** – OIG and OPA need consensus, and the OPA Manual should provide clarity, regarding when repeated policy violations constitute serious misconduct.
- **Reporting use of force** – SPD Policy Manual Title 8 governs use of force and use of force reporting. OPA needs clear classification criteria for failure to properly refer serious uses of force to the Force investigations Team for review.
- **Fleet-related violations** – SPD Policy 5.002 classifies intentional or reckless policy violations as serious misconduct. OIG and OPA should reach concurrence on when fleet-related violations constitute intentional or reckless behavior. As discussed in Chapter 4, fleet claims comprise a large percentage of claims against SPD; this provides context and indicates a need to also consider the impact of classifications on encouraging a culture of concern for safe driving.

Ultimately, OIG assesses whether OPA follows the OPA Manual, Seattle Municipal Code, SPD policies, and contractual requirements in a reasonable and appropriate manner. Gaps in the OPA Manual increase the likelihood of discord in evaluation of cases (at classification and certification) between OIG and OPA.

## Alternative Programs

### Rapid Adjudication

In 2019, OPA piloted the Rapid Adjudication (RA) Program. Two issues that arose are: (1) case eligibility for RA resolution, and (2) notice to OIG when a case was resolved with RA.

There were six RAs, including a serious use of force case, a bias case, and a case involving potential abuse of authority. Because RA bypasses the full OPA investigation process and is likely to offer reduced discipline in exchange for immediate acknowledgment of wrongdoing, matters involving significant potential public harm should not be eligible for RA. OIG suggested excluding certain types of cases, including all incidents involving use of force that could cause great or substantial bodily harm (Type III) or that are investigated by the Seattle Police Department Force Investigation Team (FIT). Subsequently, OIG observed no RA cases in these categories.

During the pilot, OIG received RA cases for review after the cases concluded. Because RA by its nature results in final discipline, earlier OIG review would provide greater opportunity for course correction if necessary. For example, OPA routed a case through RA prior to having full access to body-worn video evidence controlled by another unit. The body-worn video subsequently revealed additional potential violations. OIG requested notification when RA is contemplated instead of at case closure; this is expected to be the case in 2020.

## Mediation

Mediation is an option given to a complainant and named employee to discuss a disagreement, particularly those involving possible miscommunication or misperception between the complainant and an officer or other employee, with the guidance of a neutral third party. When accepted by both parties, Mediation is the final resolution of the case.

OPA diverted seven Supervisor Actions, Expedited Investigations, and Investigations to Mediation. OIG provided feedback on the development of the program and noted the importance of having clear eligibility criteria for Mediation to ensure consistent application. This is particularly important considering that OPA uses Mediation for all classification types, which can involve different degrees of seriousness for the alleged policy violation.

OIG will further review OPA program elements and implementation in 2020 to ensure that 1) criteria for Mediation eligibility are clear and follow the OPA Manual prohibition against use of Mediation in force cases, and 2) OIG and OPA have a protocol for notifying OIG of all Mediation cases.

## Investigation Certification

OIG reviews completed investigations to certify whether they are timely, thorough, and objective. During this review process, there are two avenues for feedback to OPA, informal and formal. Informally, OIG may request additional information or offer suggestions for further investigative steps. When a deficiency that would impact the certification or case outcome is identified, OIG will formally direct additional investigation. For both avenues, OPA is given an opportunity to address issues identified by OIG prior to certification review.

Criteria for investigation review are delineated in the accountability ordinance and include whether:

1. witnesses were contacted, interviewed, and all other material evidence was timely collected;
2. interviews were thorough and unbiased, and conflicting testimony was sufficiently addressed;
3. additional clarifying information would strengthen the investigation;
4. the written summary and analysis are objective and accurately reflect the evidence; and
5. applicable OPA procedures were followed and the intake and investigation were conducted in accordance with the OPA Manual.<sup>45</sup>

As discussed further below, OIG uses the following operational definitions for assessing and certifying for timeliness, thoroughness, and objectivity:

- **Timeliness:** OPA has met all contractual and statutory timelines.
- **Thoroughness:** Each allegation has been addressed, and information gathered is reasonably sufficient to make a decision regarding findings.
- **Objectivity:** Relevant evidence is neutrally and accurately assessed and characterized. This includes an assessment of whether conflicting testimony has been addressed, and facts and analysis are conveyed in a manner that does not express bias.

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<sup>45</sup> Ord. 125315, §3.29.260.F

Additionally, OIG considers whether on balance OPA sufficiently addressed issues in accordance with code, contractual, and OPA Manual requirements to provide procedural justice.

When OIG receives a case for certification review with sufficient time to allow for additional investigation or for evidence to be captured, OPA is often able to cure identified issues and receive a full certification. The opportunity for OIG to offer feedback and OPA to consider and take action contributes to producing thorough, carefully considered outcomes.

## Certification Findings

OIG issued certifications for 387 cases,<sup>46</sup> including 216 full investigations (56%) and 171 Expedited Investigations (44%).<sup>47,48</sup> Because review of both categories involves examination of evidentiary materials, such as body-worn video, police reports and interviews, review of Expedited Investigations can be as labor intensive as review of full investigations.

As depicted in Table 5-2 below, OIG fully certified over 97 percent of cases as objective, thorough, and timely.

**Table 5-2. Certification Outcomes by Investigation Type**

Case Type	OIG Certifications	Full Certification	Partial Certification	Null Certification
Investigation	216	206	8	2
Expedited Invest.	171	171	0	0
<b>Total</b>	<b>387</b>	<b>377 (97.4%)</b>	<b>8 (2.1%)</b>	<b>2 (0.5%)</b>

Another measure of the quality of OPA investigations is the extent to which OIG needed to provide suggestions and direct investigation prior to certification. OIG provided voluntary suggestions to OPA or informally requested additional information be added to the complaint file in 47 (12% of total) cases. Alternatively, OIG can direct additional investigation as a required step which it did in 61 cases (16% of total). OIG will direct further investigation when a matter, if not addressed, may affect the OIG certification or case outcomes. Responsiveness by OPA can improve the quality of the investigation and help support a positive certification outcome.

**Table 5-3. Additional Investigation by Certification Outcome**

OIG Request	Full Cert	Partial Cert	Null Cert	Total	Percent of Total Cases
No OIG request	277	2	0	<b>280</b>	72%
OIG informal requests	47	0	0	<b>47</b>	12%
OIG directed investigation	53	6	2	<b>61</b>	16%
<b>Total</b>	<b>377</b>	<b>8</b>	<b>2</b>	<b>388</b>	<b>100%</b>

46 OIG conducts certification reviews before a case is closed, so the total number of cases certified will not equal the number of cases closed in 2019.

47 The difference between case classification and case certification numbers results from the timing of some cases having been classified in 2018 that were sent to OIG for certification in 2019, and cases classified in 2019 for which certification had not yet occurred by the end of 2019.

48 OPA submitted 392 total investigations to OIG for certification review. OPA self-certified five under its statutory authority (Ord. 125315, §3.29.260.G) to self-certify investigations when OIG has not certified a case within ten days.

The main certification deficiencies were timeliness and thoroughness (see Table 5-4 below). All of the partial and null certifications occurred prior to April 2019. After the first quarter of 2019, all investigations reviewed by OIG received a full certification. OIG attributes this improvement in part to ongoing efforts by OPA to improve its supervision and investigation quality, and in part to improved dialogue between OIG and OPA to work through issues identified by OIG.

**Table 5-4. Certification Issues by Category**

	Total Count Broken Out by Category			Total Count
	Timely	Thorough	Objective	
<b>Partial and Null Certifications</b>				
Not Timely	3	0	0	3
Not Thorough	0	2	0	2
Not Timely or Thorough	2	2	0	2
Not Thorough or Objective	0	1	1	1
Not Timely, Thorough, or Objective	2	2	2	2
<b>Subtotal</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>10 (2.6%)</b>
Full Certification	-	-	-	377
<b>Total Cases Reviewed by OIG</b>	-	-	-	<b>387</b>

### Timeliness

Timeliness requirements are enumerated in the accountability ordinance, collective bargaining agreements, and the OPA Manual, and include the following:

- completion of investigations within 180 days, minus any period in which an extension was granted, or else discipline cannot be imposed;<sup>49</sup>
- notification of named employees of complaints against them within five days;<sup>50</sup>
- classification of complaints within 30 days after receipt of a complaint;<sup>51</sup>
- notification of complainants when OPA has received the complaint and when OPA has classified the complaint;<sup>52</sup>
- notification of named employees in advance of interviews in accordance with labor contract requirements;<sup>53</sup> and

49 Agreement By and Between the City of Seattle and the Seattle Police Officers' Guild, Effective through December 31, 2020 (in effect beginning November 14, 2018), §3.6(B)-(D), pg. 9-12 and Ord. 125315, §3.29.130 B.

50 Agreement By and Between the City of Seattle and the Seattle Police Officers' Guild, Effective through December 31, 2020 (SPOG CBA), § 3.6(A), pg. 9. See also Agreement By and Between the City of Seattle and the Seattle Police Management Association, Effective January 1, 2014 through December 31, 2019 (SPMA CBA), §16.4(B), pg. 33. Note the SPMA CBA requires notice of the complaint to the named officer within ten days.

51 SPOG CBA, § 3.6(A), pg. 9; SPMA CBA, § 16.4(B), pg. 33.

52 OPA 2016 Manual, pg. 15-16. Note OPA is also required to notify the complainant when OPA has completed the investigation and issued recommended findings to the Chief of Police. These occur after OIG certification.

53 OPA 2016 Manual, pg. 28; SPOG CBA § 3.6(F)(2), pg. 13; SPMA CBA, § 16.4(H)(2), pg. 36.

- Submission of investigations to OIG in a timely manner to afford sufficient time for feedback and additional OPA investigation if requested or directed by OIG.<sup>54</sup>

OPA received a timeliness certification in over 98 percent of all cases reviewed. OPA has clearly improved in meeting the 180-day deadline over time. The federal monitor noted in 2016 that during the period August 2014 to April 2015, OPA failed to meet the 180-day deadline in a quarter of OPA cases.<sup>55</sup> In 2018, OPA reported missing the 180-day contractual deadline in six percent of its investigations.<sup>56</sup> From mid-March through the end of 2019, OPA achieved full certification on all of its cases, including timeliness.

Cases not certified for timeliness did not meet the contractual 180-day deadline. Underlying issues that may have contributed to the lack of timeliness include allowing insufficient time to complete additional requested investigation and periods of investigator inactivity on cases.

It has been historically difficult to track OPA case deadlines and investigation process timing due to limitations in the OPA case management system. For example, OPA lacked the ability to see impacts of extension requests on 180-day timelines without opening up each individual case to read investigator notes. Extensive collaboration with OPA on data system improvements included adding the ability to extract case timeline data. OIG will conduct a more in-depth analysis of OPA timeliness in 2020 as part of the planned data management system improvements (e.g., extension requests, notification timeliness).

### Thoroughness

OIG determines whether all allegations were identified and whether each allegation was sufficiently addressed. For example, OIG examines whether interviews were comprehensive, investigation steps clearly documented, evidence is accurately reflected in the OPA report, and relevant evidence is preserved.

OPA received a thoroughness certification in over 98 percent of all cases reviewed. As noted above, in 72 percent of cases certified by OIG, OIG did not request additional information or investigation. Thus, OPA internal processes generate thorough investigations largely without any outside intervention. That said, thoroughness is the source of most OIG concern as it is the critical measure of how well an investigation was conducted (see certification trends discussed below).

Seven cases were not certified for thoroughness and included the following issues:

- insufficient attempts to locate and interview the complainant;
- interview delays resulting in potential memory degradation;
- not addressing core issues in interviews, for example, not fully addressing allegations or clarifying evidence discrepancies;
- not including relevant body-worn video in the case file;
- no action taken due to complainant's history of filing non-meritorious complaints;
- incomplete action on requests for additional investigation from OIG; and
- no investigation into the failure of SPD chain of command to refer a complaint to OPA as required by policy.

<sup>54</sup> Ord. 125315, §3.29.130.H

<sup>55</sup> Seattle Police Monitor. "Fourth Systemic Assessment: Office of Professional Accountability (OPA)." January 2016. p. 28.

<sup>56</sup> Seattle Office of Police Accountability 2018 Annual Report, p. 21, April 2019.

Below is a discussion of issues related to thoroughness previously identified by the OPA Auditor as areas of concern, and how those issues manifested in OIG certification review.

### *Attempts to Contact Complainant*

The OPA Auditor identified recurring concerns related to the thoroughness of complainant contacts, including inadequate attempts to contact the complainant, cursory interviews, and the lack of complainant interview transcriptions. OIG saw improvements in complainant contacts, but this remains an area in need of monitoring. In 2019, OPA made efforts to standardize its processes by documenting more attempts to contact complainants. Improved logging of contacts has increased OIG ability to monitor this area. OPA does not regularly transcribe complainant interviews, but OIG believes doing so would improve the ability to determine whether complainant information was adequately and accurately represented in the OPA investigation.<sup>57</sup>

### *Collection of Evidence*

The OPA Auditor reported that most investigations he reviewed sat idle for one to three months after a case was classified for investigation. He expressed concern that memories would fade, evidence would perish, and witnesses might become unavailable. Although OIG observed investigation delays in 2019, there were no cases that failed certification solely for this issue. OIG will continue to monitor impacts of delays in 2020.

### *Supervision*

The OPA Auditor noted OPA supervisors did not adequately review and evaluate investigations for thoroughness and objectivity before submitting them for review. Viewed as a measure of supervisory effectiveness, thoroughness certifications remain high, with 94.4 percent certified as thorough by the interim OPA Auditor in 2018 and 98.2 percent by OIG in 2019. OIG has frequent dialogue with OPA management to address supervision concerns in real time and will continue to monitor the effectiveness of OPA supervision.

### **Objectivity**

OIG examines whether the investigation neutrally and accurately reflects relevant evidence. OIG considers whether:

- OPA language and analysis exhibit potential bias;
- conflicting testimony has been addressed;
- interviews use leading or suggestive questions; and
- the intake and investigative process complied with the policies set forth in the OPA Manual.

OPA was responsive to OIG feedback on potential lack of objectivity. For example, OIG would request additional investigation to resolve inconsistencies in statements, summarization of body-worn video (BWV), or analysis of other evidence where such evidence seemed to support allegations made by complainants. OPA amended summary reports as needed to reflect additional investigative steps taken. The case that was not certified for objectivity involved OPA not acting on an allegation because of multiple prior complaints from the same individual that OPA deemed to not have merit. The best way to address frequent complainants is a continuing challenge both locally and nationally.

<sup>57</sup> This issue was previously flagged by the OPA Auditor.

## OIG Complaint Handling and Investigations

OIG received 56 complaints from the public. These complaints were received by either the OIG main number, email through the OIG website, a postal letter, or through personal contact at a public meeting. As noted in Table 5-5 below, 23 (43%) of community concerns received by OIG involved departments or agencies outside of OIG jurisdiction. In these instances, OIG assisted the community member by providing proper contact information where possible.

**Table 5-5. OIG Hotline Complaints by Issue and OIG Resolution**

Hotline Complaint Issue	Count	OIG Resolution
Complaint about Police Response/Action	13	Complainant directed to OPA
Complaint about OPA Mgmt. Response/Action (OPA Conflicts of Interest)	6	OIG review, complainant contacted by OIG with results of review (5)/Ongoing review by OIG (1)
Questioned OPA Findings	10	Complainant contacted by OIG
Questioned OIG Response/Action	2	OIG review, complainant contacted by OIG with results of review
Other Complaint/Issue <sup>58</sup>	25	Complainant referred to proper jurisdiction
<b>Total</b>	<b>56</b>	

For contacts within OIG jurisdiction, OIG handles complainant contacts in three ways.

First, OIG routes complaints that have established processes to the appropriate entity for disposition (e.g., routing standard OPA complaints to OPA). As shown in Table 5-5 above, in 2019, OIG referred 13 complaints about SPD officers to OPA for review.

Second, OIG may handle complaints against certain OPA employees because of an actual or perceived conflict of interest. One case referred to OIG by OPA in early 2019 proceeded to full investigation. It was ultimately not sustained, and a training referral was issued. Six complaints concerned OPA management conduct (distinguished from ten complaints that mentioned OPA management but were complaints about OPA findings). OIG determined through preliminary investigation that OPA management acted within policy and no violation existed in five cases. The cases were closed, and complainants notified. OIG is still reviewing one case. OIG staffing limitations contributed to complainant response delays, and OIG is committed to reviewing its internal turnaround time in 2020.

Third, OIG considers issues raised by complainants in a quarterly risk assessment process to identify future OIG work plan topics. One topic identified in this process, disparity in mass demonstrations, will be considered in the 2020 OIG work plan.

<sup>58</sup> One complaint was received anonymously; OIG was unable to follow-up with the complainant.

## Summary

OIG and OPA each experienced significant changes in 2019 – for OPA, the standing up of new programs and onboarding civilian leadership, and for OIG, the creation of a new department. Both shared the challenges of working with a case management system not designed for extracting data for oversight purposes. The year was one of change; 2020 will ideally be a year of stabilization. Additional focus for OIG will necessarily include:

- Rapid Adjudication
- Mediation
- Management Action Recommendations
- Misconduct allegations handled by SPD chain of command, including unsubstantiated misconduct reviews<sup>59</sup> and bias reviews<sup>60</sup>

Overall, OIG found that OPA is working as intended, with appropriate classification of complaints, and timely, thorough, objective investigations of alleged misconduct. OPA leadership and investigative staff are committed to their work and to engaging constructively to reach just outcomes. OPA operations in 2019 indicate a shared commitment to procedural justice for both community and law enforcement, and dedication to building public trust.

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59 SPD Policy 5.002 - Piloted in 2018 and rolled out more fully in 2019, the unsubstantiated misconduct process allows sworn officers' supervisors to review an allegation of a serious policy violation and, if evidence fully refutes the allegation, screen the complaint with OPA for a determination by OPA whether an OPA complaint is necessary.

60 SPD Policy 5.140 – Complaints of bias where the complainant does not request an OPA complaint are handled by the chain of command if preliminary investigation by the supervisor indicates bias did not occur; otherwise they are handled by OPA.

## CHAPTER 6: CONCLUSION

The system for providing police oversight in Seattle has come a long way from a single civilian auditor providing OPA review. The City now has permanent oversight agencies representing three facets of accountability: investigations of individual misconduct, system oversight, and community input and direction. The oversight entities, with their respective authorities and responsibilities, represent the City's concerted response to concerns expressed by community over the years about the need for constitutional, transparent, accountable, effective, and respectful policing.



The reports and work products produced by OIG provide a window of transparency into SPD processes, which, in a department the size of SPD, can be complex. The OIG map of the SPD disciplinary system, for example, spans 40 pages and is the first time the system has been mapped in its entirety. The mapping provided a common framework for understanding and evaluating the system and its components. As OIG work products expand, so, too, will the availability of information to enhance public understanding of SPD systems.

It is important to acknowledge that as OIG conducts audits of SPD operations, it will find issues of concern. The sign of a strong system is not the absence of problems, but rather the ability of the oversight system to identify them and the willingness and ability of the department to address them. In 2019, SPD responded to OIG data requests and were responsive in interviews with staff. SPD concurred with all OIG audit recommendations and has taken OIG non-audit suggestions under advisement, including, in numerous cases, exploring ways to build upon the suggestions to improve the system. SPD openness to OIG oversight and its willingness to make changes is one important indicator of the health of the system. OIG reports are starting to have an impact as SPD makes changes in response to audit and assessment recommendations.

Similarly, OIG review of OPA investigations shows a high percentage of OPA cases certified as thorough, objective, and timely. While this is a result of hard work by OPA, it is also testament to the ongoing partnership between OPA and OIG this year. That spirit of cooperation resulted in improved outcomes as OPA incorporated OIG suggestions for increased thoroughness into ongoing case investigations, contributing to the high case certification rate and improved procedural justice for complainants.

The first report of OIG is an initial measure of what a systemic oversight agency can accomplish with collaborative support from oversight system partners, including community, CPC, SPD, and OPA. On the central question of whether the accountability system is working as intended, the agencies appear generally on track in the performance of their responsibilities but should continue to be shaped and improved in response to community concern and direction.



**City of Seattle Office of Inspector General for Public Safety**

Team OIG

*Supporting constitutional, accountable, effective, and respectful policing.*

## APPENDIX A

Ordinance 125315, §3.29.270.D

The Inspector General shall produce annual reports that are readily understandable and useful to policymakers. The annual report shall include, but not be limited to, the following:

1. A summary of OIG's audit and review activities for the previous year;
2. An evaluation of the extent to which the purposes, duties, and responsibilities detailed in this Chapter 3.29 have been met by the responsible entities;
3. A description of the work of OIG in fulfilling OIG's purpose, duties, and responsibilities detailed in this Chapter 3.29;
4. Inspector General recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws;
5. A summary of the implementation status of any previous OIG recommendations, and for any that have not been implemented, the reasons;
6. A summary of OIG's review and the outcome of SPD reviews for officer-involved shootings, in-custody deaths, and any other cases of significant public concern;
7. An analysis of any patterns and trends of disproportionality or other concerns compared to previous years, including from review of inquests, claims and lawsuits alleging SPD misconduct;
8. The outcome of reviews of successful practices in other jurisdictions, and any associated OIG recommendations, including for changes in the mix of OPA sworn and civilian staff;
9. A summary of information received from OIG's hotline, any of its other anonymous intake systems, and from community outreach that has informed OIG's work; and
10. A summary of OIG's review of OPA's complaint handling system, including at a minimum:
  - a. The number of investigations reviewed;
  - b. A general description of the complaints and cases reviewed by OIG;
  - c. A description of OPA's follow-up for those cases which OIG did not certify and those cases for which OIG requested or required further investigation;
  - d. A review of cases not investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid Adjudication, Management Actions and Training Referrals; and
  - e. A description of any concerns or trends noted in OPA complaint intake and investigations.