

Office of Police Accountability

2021 Annual Report





Table of Contents

Facts at a Glance	1
About OPA	2
Authority & Functions	2
Vision, Mission, & Values	2
Seattle Police Accountability System	3
Oversight of OPA	3
Staff & Organizational Structure	4
Training & Professional Development	5
COVID-19 Response	5
Complaints	6
Contacts Received	6
Complaints & Cases	7
Demographics of Complainants	8
Employees Named in Complaints	9
Locations of Incidents	10
Allegations	11
Classification	12
Investigations	15
Expedited & Full Investigations	15
Timeliness	16
Findings	17
Overturned Findings	18
Discipline Imposed	19
Appeals	20
Policy & Programs	22
Unsubstantiated Misconduct Screening	22
Mediation	23
Rapid Adjudication	23
Management Action Recommendations	23
Reviewing SPD Policy	24
Updated OPA Manual	24
Other OPA Functions	25
Community Engagement	25
SPD Employee Engagement	25
Monitoring Serious Incidents	26
Bias Reviews	26
Appendix: Management Action Recommendations	27

Facts at a Glance



Received **2,866** contacts



1 in 5 allegations for unprofessional conduct



Opened **558** cases



Investigated **52%** of all complaints



Force allegations down **61%** from 2020



Sustained allegations in **26%** of investigations



Issued **22** policy recommendations

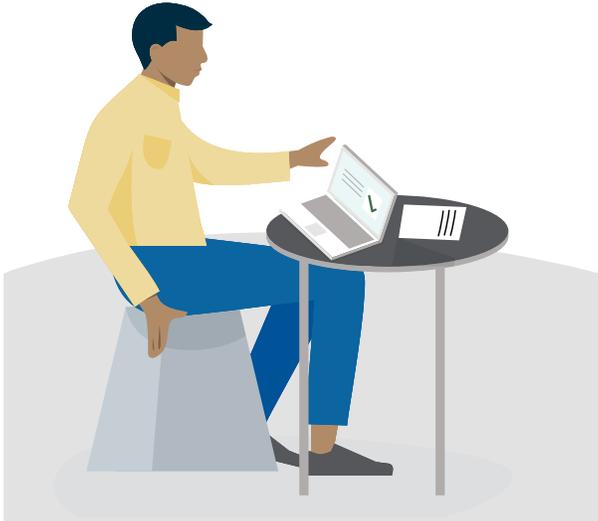


Completed **95%** of investigations on time



Sent **14** volumes of OPA newsletter

About OPA



Authority & Functions

OPA has authority over allegations of misconduct involving Seattle Police Department (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 a mix of civilians and SPD sergeants. OPA's core functions include:

- 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 enhance employee conduct

Vision, Mission, & Values

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

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

OPA's *values* guide employee conduct and organizational culture in the pursuit of the OPA mission. These values include:

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 Office of Inspector General for Public Safety (OIG), and the Community Police Commission (CPC). 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. The separation encourages independent decision making and investigations free from interference. Conversely, being under the SPD administrative umbrella enables access to all SPD-controlled data, evidence, and personnel necessary for thorough and timely complaint handling.

Oversight of OPA

OIG conducts random samples of certain complaint processing decisions to ensure allegations and employees are properly designated and identified. The decisions OIG reviews include Contact Logs, Supervisor Actions, Bias Reviews, and Unsubstantiated Misconduct Screenings. Additionally, OIG individually reviews all cases proposed for Expedited Investigation during complaint classification. For all other OPA Investigations, OIG reviews and certifies the completed investigation report prior to OPA issuing findings. During this review, OIG can direct OPA to conduct further investigation prior to certifying the investigation. OIG may also investigate complaints against OPA staff or where OPA identifies a conflict of interest.



Staff & Organizational Structure

In early 2021, the OPA director reorganized the staffing structure by adding a third assistant director position and splitting the investigators into two teams. Identical to 2020, nine SPD sergeants and two civilians conducted OPA investigations.¹ All leadership positions in the office continued to be held by civilian employees.² Additional civilian staff were assigned to administrative, community engagement, policy and data analysis, and operational management positions.

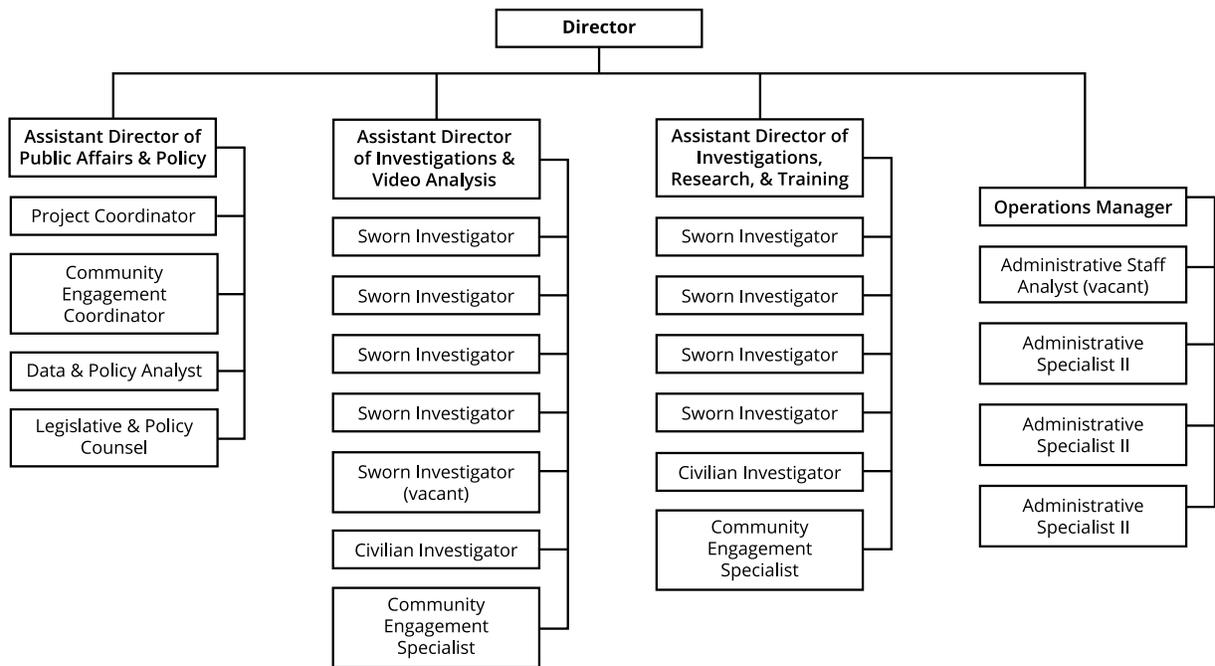


Figure 2: OPA Organizational Chart (2021)

1. Two is the maximum number of civilian investigators allowable under the Seattle Police Officers Guild collective bargaining agreement. See Appendix D, part one on page 79 of the Seattle Police Officers Guild contract at bit.ly/3tz82oB.
2. See section 3.29.120(B) of the 2017 Police Accountability Ordinance at bit.ly/3NieGre.

Training & Professional Development

Despite disruptions caused by the COVID-19 pandemic, OPA was committed to providing staff with relevant training and continuous professional development opportunities. Individuals attended a variety of conferences and trainings in 2021, including:

- Managing and Conducting Internal Affairs Investigations Seminar (FBI-LEEDA)
- Effective Interviewing Techniques & Conversation Management (iKAT Consulting)
- The Art of Perception (Amy Herman)
- Leadership and Management (University College Dublin Professional Academy)
- National Internal Affairs Investigators Association Conference
- International Association of Chiefs of Police Conference
- American Society of Evidence-Based Policing Conference
- Managing Projects Online (The Management Center)
- Change Management Certification Program (Prosci)
- National Association for Civilian Oversight of Law Enforcement Conference

COVID-19 Response

In 2021, OPA's office remained closed to the public due to COVID-19 concerns. Complaints continued to be processed via the web complaint form, email, phone, and mail. To maintain social distancing requirements, OPA staff adopted a hybrid work model, staggering in-office work with working from home. Similarly, new staff were onboarded and trained both virtually and in person.





Complaints

Members of the public can file a complaint with OPA through five direct channels: website complaint form, email, phone, mail, or in person.³ Individuals may file anonymous complaints; however, OPA encourages complainants to provide contact information so an investigator can follow up to obtain further information. SPD employees may also initiate complaints or forward complaints to OPA on behalf of a community member.

Contacts Received

OPA was contacted 2,866 times in 2021. Each contact made with OPA is reviewed by a team of supervisors, investigators, and administrative staff to determine next steps. OPA received more contacts during the summer months of 2021, with spikes in January and October.⁴

Data Collection

Data for this report was analyzed between February 2, 2022, and April 4, 2022, from OPA's records management database, IAPro. This report reflects accurate and complete data as of April 5, 2022, the date of publication. Since OPA uses dynamic, live databases, the 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.

³ OPA's office has been closed to the public since March 2020 due to COVID-19, thus impacting the number of in-person complaints.

⁴ Contacts peaked in January, July and October after incidents involving SPD officers garnered attention on social media. In addition, on three separate days in October 2021, OPA received 57 blank web complaint form submissions, contributing to the overall spike in contacts for the month. OPA began separately tracking spam contacts such as these in 2022.

In early 2021, OPA began to review certain complaints more vigorously to determine whether they warranted a preliminary (“intake”) investigation. This pre-intake screening occurs when the location of the incident, involved police agency, or specific allegations are unclear. OPA intensified this process to ensure that complaints were within OPA’s jurisdiction before initiating a time-consuming intake investigation. If the screening—which generally includes a recorded interview with the complainant—reveals that a complaint does not require an intake investigation because it is outside of OPA’s jurisdiction, the contact is logged and closed. OPA conducted 185 pre-intake screenings in 2021.

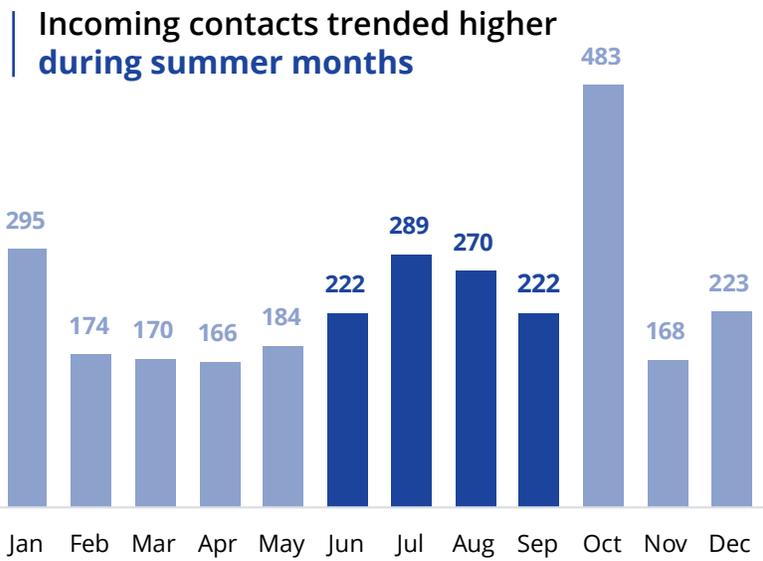


Figure 3: Contacts Received by Month (2021)

Complaints & Cases

OPA opened 558 cases in 2021, a 28% decrease from 2020.⁵ OPA attributes the decrease in cases to the absence of widespread protest activity—like that which occurred in summer 2020—as well as the use of pre-intake screenings.

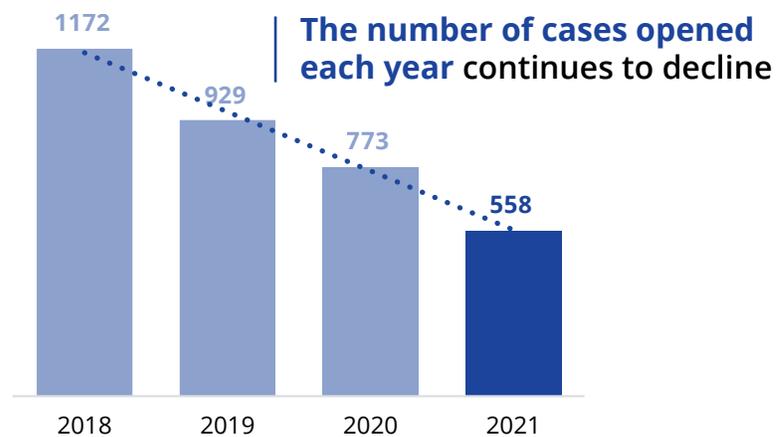


Figure 4: Cases Opened by Year (2018-2021)

⁵ When OPA is contacted multiple times about the same incident, they are combined into a single OPA case and processed as one complaint.

External complaints are those received directly from the public or via an intermediary, such as another city agency. Internal complaints are initiated by an SPD employee or forwarded from SPD on behalf of a member of the public. Among all cases opened, two-thirds (370) originated from external sources and one-third (188) were initiated internally. Among external complaints, 57% were submitted via OPA's web complaint form.

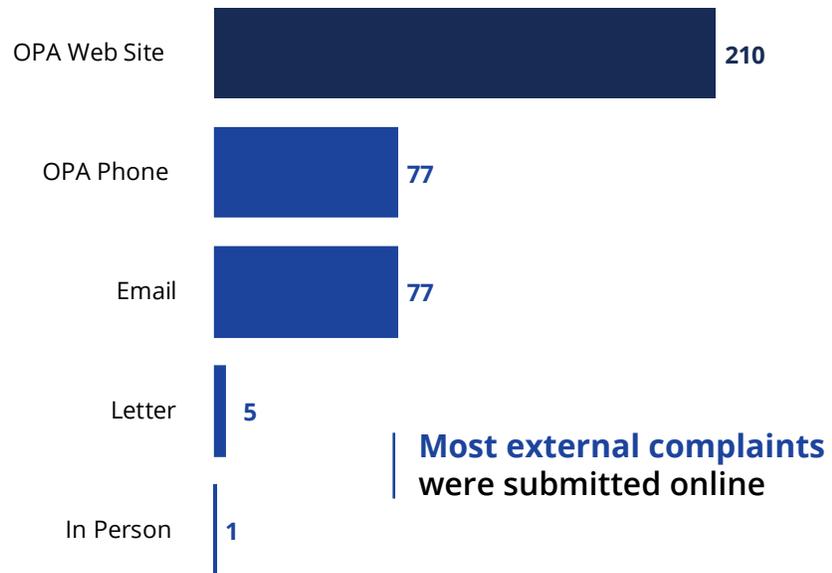


Figure 5: Filing Method of External Complaints (2021)

Demographics of Complainants

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/or gender to OPA. For complaints generated internally or referred from SPD, the supervisor who submits the complaint may enter the complainant's demographic information. Lastly, while conducting the intake investigation, OPA investigators ask complainants if they would like to disclose their race and/or gender.

In 2021, OPA recorded data on the race of about 50% of complainants and the gender of 64% of complainants. The gender breakdown of complainants for which this information was known was roughly 55% male and 44% female, with less than 1% identifying as gender non-binary. From the data OPA collected, it appears that the proportion of Black/African American and Hispanic/Latino complainants increased from 2020, whereas the proportion of white complainants decreased.

Race	2019	2020	2021
White	58%	62%	55%
Black/African American	23%	22%	27%
Hispanic/Latino	2%	4%	8%
Asian/Pacific Islander	8%	3%	5%
2 or More	5%	6%	4%
Other	2%	1%	1%
Native American	2%	2%	0%

Figure 6: Race/Ethnicity of Complainants Where Data was Documented (2019-2021)



Employees Named in Complaints

A total of 505 distinct SPD employees were the subject of at least one complaint in 2021. Most of them—91% (461)—were sworn employees.⁶ However, OPA also received complaints involving 44 civilian employees.⁷ There were 194 employees who received multiple complaints. Consistent with previous years, the gender distribution of employees who received complaints was 80% male and 20% female, and a greater proportion of those who received complaints had been employed with SPD for less than five years. The proportion of white officers receiving complaints decreased from 2020, though the proportion of officers who declined to be identified as a particular race or ethnicity increased.⁸

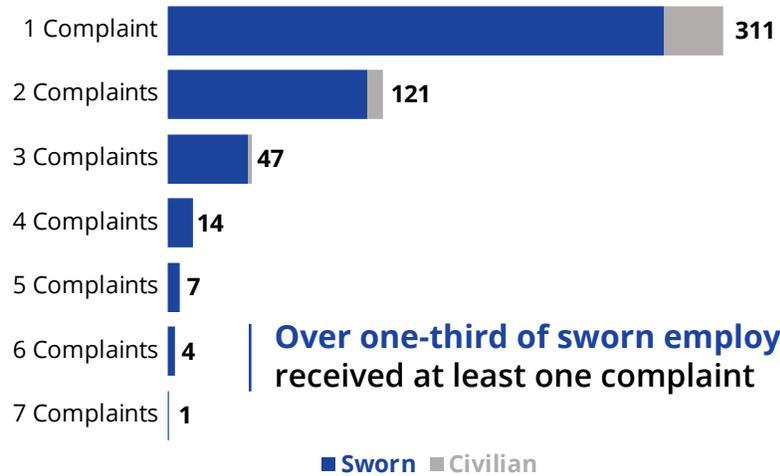


Figure 7: Complaints Received Per Employee (2021)

Race	2019	2020	2021
White	71%	71%	64%
Black/African American	7%	7%	8%
Hispanic/Latino	6%	6%	8%
Asian/Pacific Islander	8%	6%	7%
2 or More	5%	5%	7%
Other/Unknown	3%	3%	5%
Native American	2%	1%	1%

Figure 8: Race/Ethnicity of Employees Who Received Complaints (2019-2021)

⁶ This represents between 35-40% of all sworn personnel. According to data provided by SPD Human Resources, SPD began 2021 with 1,339 total sworn employees (1,290 in-service officers) and ended it with 1,139 (958 in-service officers).

⁷ SPD lost more than a quarter of its civilian employees (-159) in 2021, in large part due to the transfer of 911 communications and parking enforcement out of SPD.

⁸ This makes a year-over-year analysis on the racial identity of named officers somewhat tenuous.

Transfer of 911 Communication and Parking Enforcement

In May 2021, City Council voted to transfer 911 emergency communications from within SPD to a new city agency called the Community Safety and Communications Center (CSCC).⁹ Prior to the transfer, OPA had opened seven cases involving 10 emergency communications employees. After the transfer, OPA referred any new complaints involving CSCC employees to CSCC.

In August 2021, City Council voted to transfer parking enforcement outside of SPD and into the Seattle Department of Transportation (SDOT).¹⁰ Prior to the transfer, OPA had opened 25 cases involving 26 parking enforcement officers. New complaints received after the transfer were referred to SDOT.

Locations of Incidents

The largest number of complaints with a known or relevant incident location occurred in the West Precinct, which includes the downtown core, South Lake Union, Queen Anne, and Magnolia. This aligns with historical data, as the West Precinct traditionally receives the highest volume of complaints, with 2020 being an exception due to the heavy police response to protests in the East Precinct.



Precinct	Total
West	122
East	94
North	90
South	59
Southwest	52
Outside of Seattle	24
Total Known	441

Number of incident locations
 0 122

Figure 10: Incident Locations Resulting in Complaints by SPD Precinct (2021)

⁹. See Ordinance 126353 at bit.ly/3qui34F.

¹⁰. See Ordinance 126420 at bit.ly/3qwxqcF.

Allegations

As part of its intake process, OPA reviews complaints and determines what SPD policy or policies are alleged to have been violated. Most often, these policies come from the SPD Policy Manual, but OPA may also cite a specialized unit's training manual or other official directives that SPD employees are required to follow.¹¹ A single complaint may contain multiple allegations of policy violations against one or more SPD employees.

OPA recorded 1,485 total allegations of potential policy violations in 2021. Professionalism, Bias-free Policing, and Investigations & Reports were the three most common allegations received. Violations of SPD's Professionalism policy may include behavior that undermines public trust, such as profanity directed as an insult.¹² Violations of the Bias-Free Policing policy generally allege that an officer treated a person differently due to characteristics of a protected class.¹³ Allegations categorized as Investigations & Reports may refer to an employee's failure to complete required police reports or conduct thorough investigations into reported crimes. There were 140 allegations (9% of total) for improper use of force, a 61% decrease from 2020.

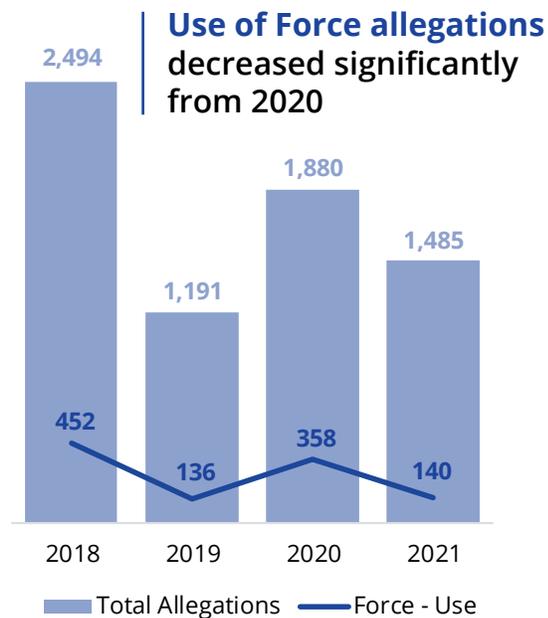


Figure 12: Number of Use of Force Allegations by Year (2018-2021)

There were 140 allegations (9% of total) for improper use of force, a 61% decrease from 2020.

¹¹. See the SPD Policy Manual at seattle.gov/police-manual. All written communication exchanged with employees and complainants lists the specific SPD policy directives investigated rather than the OPA allegation type.

¹². See SPD Manual 5.001-POL-10 at bit.ly/3upHTrq.

¹³. See SPD Manual 5.140 at bit.ly/3wuF62O.

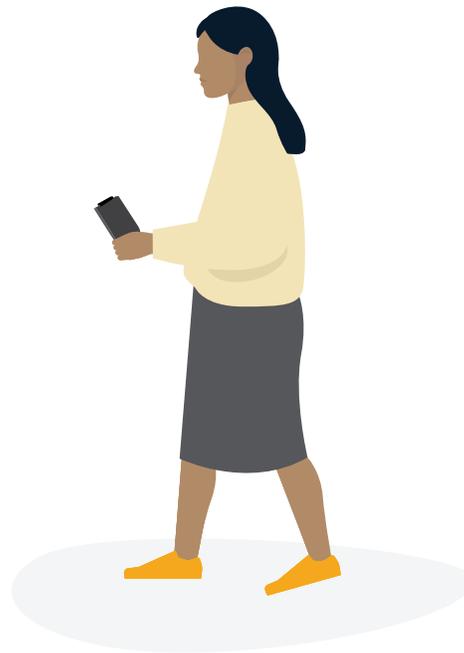


* Category includes the following allegations: Administrative Procedures & Requirements (18); Self-Reporting Obligations (18); Social Media (9); Information & Communications Systems (7); Property & Evidence (7); Bias - Reporting (6); Timekeeping & Payroll (6); Tickets & Traffic Contact Reports (5); Force - Investigation (4); Courtesy & Demeanor (3); Bias - Investigation (2); Alcohol & Substance Use (1); and Confidentiality (1).

Figure 11: Count of Allegations by Type (2021)

Classification

All complaints that contain a plausible allegation of misconduct against an SPD employee undergo a 30-day intake investigation. This entails gathering evidence, analyzing documentation and video, and interviewing the complainant, if possible. OPA leadership reviews the preliminary investigation and determines if 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: A case may be classified as a Contact Log under the following circumstances: (1) The complaint does not involve a potential policy violation by an SPD employee; (2) there is insufficient information to proceed with further inquiry; (3) the complaint is time-barred under the contractual statute of limitations; (4) the complaint has already been reviewed or adjudicated by OPA and/or OIG; or (5) the complaint presents fact patterns that are clearly implausible or incredible, and there are no indicia of other potential misconduct.

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.¹⁴

Investigation: The complaint alleges a violation of SPD policy or other category of violation that OPA is required by law and policy to investigate.¹⁵ OPA conducts a comprehensive investigation (e.g., gathering additional evidence, interviewing involved parties and/or witnesses, etc.) and issues findings, which may result in formal discipline.

Expedited Investigation: The complaint alleges a violation of SPD policy or other category of violation that

OPA is required by law and policy to investigate.¹⁶ However, OPA, with the agreement of OIG, determines that findings can be reached based on the intake investigation, and no further investigation needs to be conducted. OPA will generally not interview named employees. This classification may be appropriate if the evidence shows that misconduct did not occur as alleged or if minor misconduct occurred that is best addressed via a training referral or Management Action Recommendation (see page 23) to SPD.

Alternative Dispute Resolution Types

Mediation: The complaint involves a misunderstanding or conflict between an SPD employee and a community member that may be suitable for resolution via a face-to-face discussion. Mediation is an opportunity for the employee and community member to discuss the conflict with the guidance of a neutral, third-party mediator.

Rapid Adjudication: The complaint involves a minor to moderate policy violation that the named employee recognizes was inconsistent with policy. The employee is willing to accept discipline in place of undergoing a full OPA Investigation.

¹⁴. Minor policy violations are defined by SPD Manual 5.002 and OPA classification precedent. Examples of cases generally classified as Supervisor Actions under OPA's classification precedent include non-intentional failures to activate body-worn video, minor driving issues, minor paperwork deficiencies with no prior similar conduct, and missed trainings with no prior similar conduct.

¹⁵. See Ordinance 125315 § 3.29.125(A) at bit.ly/3Dsi3ra.

¹⁶. *Id.*

OPA classified 52% of all 558 cases for full or Expedited Investigation in 2021, down 4% from 2020. Contact Logs decreased 7% from 2020. OPA sent 115 complaints back to the chain of command for Supervisor Action, which represents an 8% increase from 2020. No cases were resolved through Rapid Adjudication, and two were resolved through Mediation.

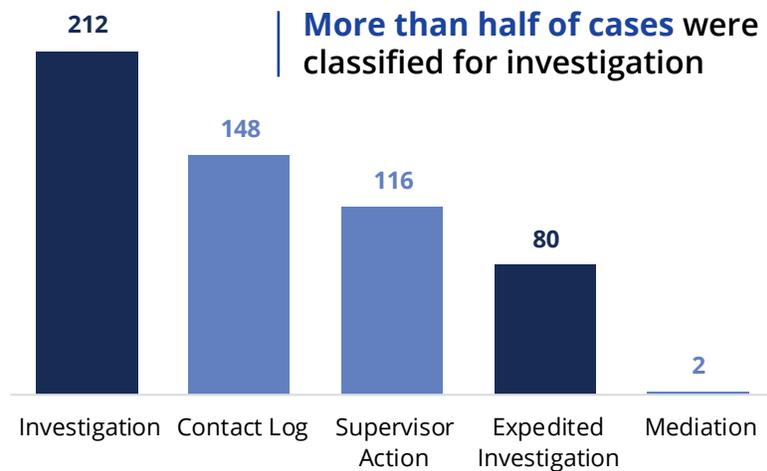
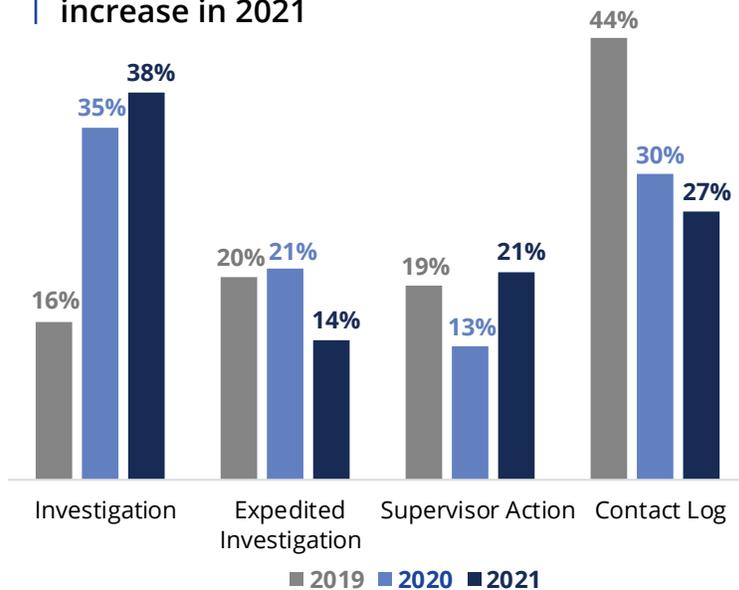


Figure 13: Number of Cases by Classification Type (2021)

The proportion of cases classified for full investigation continued to increase in 2021



* Figure excludes Rapid Adjudication and Mediation. Totals shown per year equal 99%.

Figure 14: Classification Type as a Percent of Total Complaints (2019-2021)



Investigations

In recent years, community members have generated a growing proportion of complaints that were classified for investigation. Two-thirds of investigations in 2021 originated from external complaints.

Expedited and Full Investigations

An Expedited Investigation is an investigation where the OPA director issues findings based on the preliminary investigation.¹⁸ 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 with involved employees. Per collective bargaining agreements covering most SPD employees, if OPA does not interview a named employee, sustained findings cannot result in discipline.¹⁹

Two-thirds of investigations resulted from external complaints

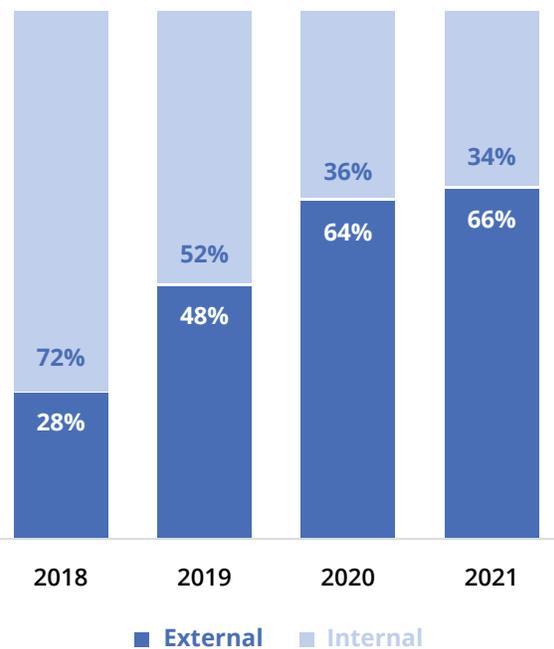


Figure 15: Source of Complaints Investigated by Year (2018-2021)

¹⁸. OPA first developed a protocol for Expedited Investigations in mid-2016 with the approval of the former OPA Auditor. The former court-appointed Monitor of the Seattle Consent Decree endorsed OPA's use of Expedited Investigations in a 2020 report at bit.ly/3txBN9a.

¹⁹. There are a few exceptions. In some cases when the employee is no longer employed by SPD and declines to participate in an OPA interview, OPA may issue a sustained finding. As with any sustained findings against former employees, no discipline can be imposed.

OPA often uses the term “Full Investigation” when referring to traditional investigation cases. This does not mean that Expedited Investigation cases do not receive thorough analysis; they do, and OIG reviews and certifies all proposed Expedited Investigation classifications prior to OPA making a final classification decision. If OIG raises concerns with a proposed Expedited Investigation classification, OPA will conduct a full investigation into the complaint.

OPA classified more cases for full investigation in 2021 than in 2020

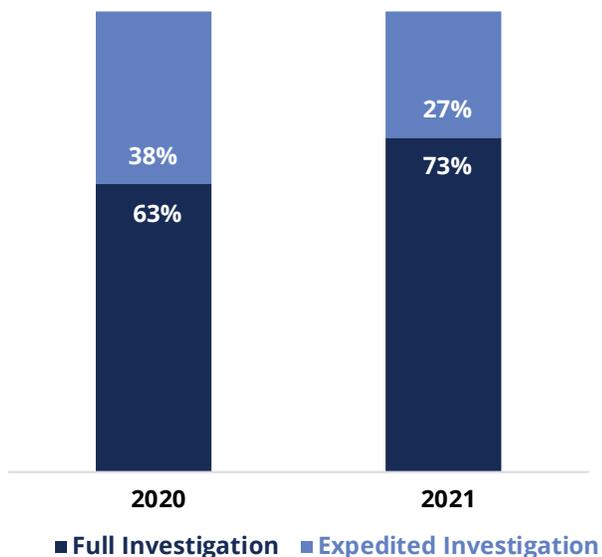
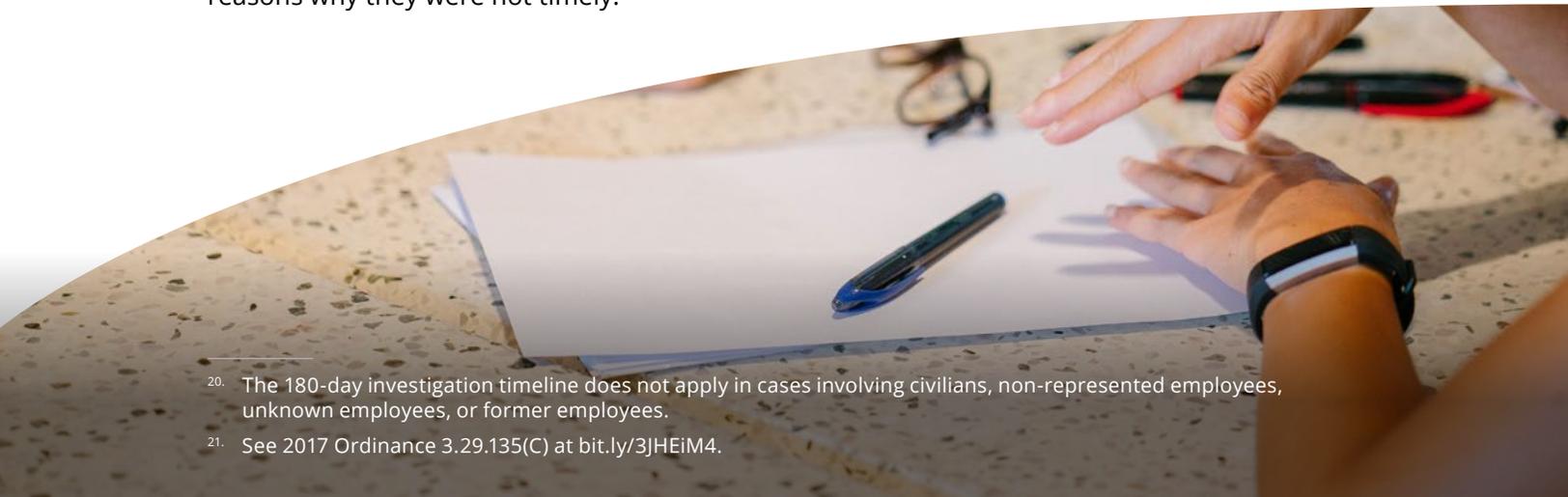


Figure 16: Investigation Classification Types by Year (2020-2021)

Timeliness

Under the Seattle Police Officers Guild (SPOG) and Seattle Police Management Association (SPMA)—the lieutenants’ and captains’ union—collective bargaining agreements, OPA must complete investigations within 180 days of when an SPD supervisor or OPA receives a complaint.²⁰ 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. OPA failed to issue timely findings in 12 out of 285 investigations (five percent) that were bound by a 180-day timeline in 2021. Once findings are issued in the untimely cases, OPA will send a letter to the mayor, the city council president and chair of the public safety committee, the city attorney, the inspector general, and the CPC executive director documenting the reasons why they were not timely.²¹



²⁰. The 180-day investigation timeline does not apply in cases involving civilians, non-represented employees, unknown employees, or former employees.

²¹. See 2017 Ordinance 3.29.135(C) at bit.ly/3JHEiM4.

Findings

The OPA director reviews every completed investigation and issues a memorandum to the named employee's chain of command recommending a finding for each allegation using a preponderance of the evidence standard.²² 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.



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 was justified and consistent with policy.

Inconclusive: The evidence neither supports nor refutes the allegation of misconduct.

Training Referral: There was a potential, but not willful, violation of policy that does not amount to serious 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 policy or training, OPA issues SPD a recommendation to clarify or revise the policy or training.

²². Under the preponderance standard, the burden of proof is met if the greater weight of the evidence—more than 50%—supports the allegation.

OPA issued findings for 1,208 allegations in 312 investigations in 2021. Twenty-six percent of completed investigations contained one of more sustained findings. This represents an 8% increase from 2020.

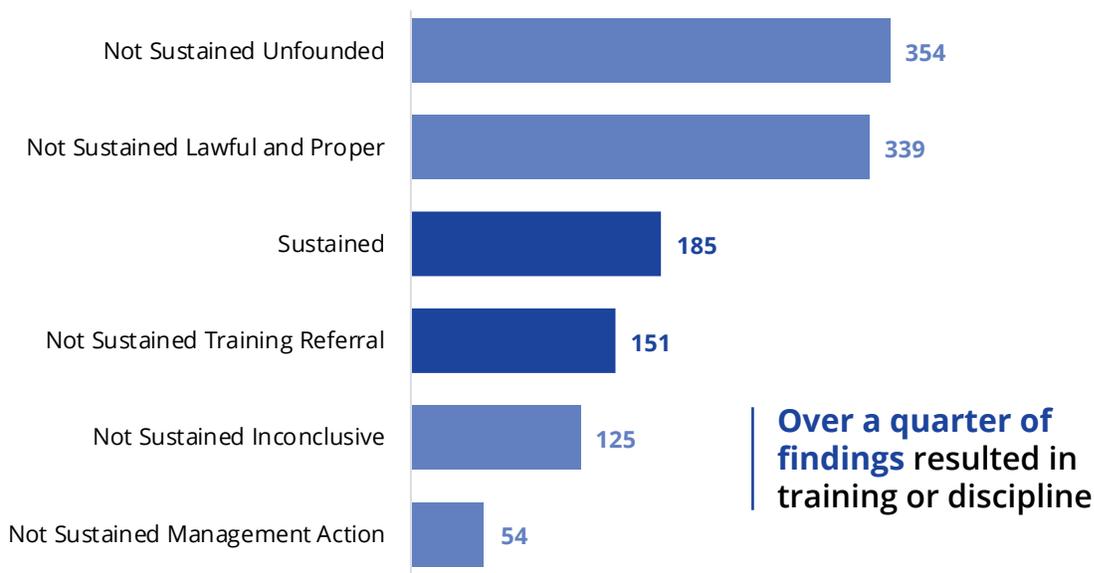


Figure 17: Findings Issued for Allegations by Type (2021)

Twenty-six percent of completed investigations contained one of more sustained findings.

Overtured Findings

The chief of police overturned the OPA director’s recommended findings in one case in 2021. The original incident occurred at a protest on June 1, 2020. A group of protestors were facing a line of officers and opened umbrellas to guard against being pepper sprayed. An officer in the line attempted to confiscate one of the umbrellas, which led to a confrontation between protestors and police and the subsequent decision to deploy pepper spray, followed by tear gas and blast balls. OPA’s investigation found that the officer in command of the incident violated two crowd dispersal policies.²³ On May 12, 2021, the chief of police overturned both findings, citing “the complexity of incident command in such circumstances” and the operational and communication burdens placed on SPD during the concurrent protests and COVID-19 pandemic.²⁴

²³. See OPA Closed Case Summary at bit.ly/3ID1yCu.

²⁴. See letter from Chief Diaz at bit.ly/3JA9tsl.



Discipline Imposed

Discipline Types

For each allegation, the chief can impose one of five types of discipline, listed below.²⁵

No Discipline: No formal discipline is imposed. The employee receives a closing letter.

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.

Termination: An employee is dismissed from their employment.

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

OPA sustained 185 allegations in 80 cases in 2021. A total of 98 SPD employees received at least one sustained finding. Nine of the employees were civilian and 89 were sworn. Ten employees received sustained findings in more than one OPA Investigation.

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



Figure 19: Discipline Imposed by Type for Sustained Findings (2021)

Of the four employees terminated in 2021, two were civilian employees and two were sworn. The two sworn were found to have trespassed on the U.S. Capitol grounds on January 6, 2021.

Appeals

Sworn employees who are disciplined as a result of an OPA investigation have a right to appeal. The SPOG collective bargaining agreement outlines two ways for this to occur: via the Public Safety Civil Service Commission (PSCSC) or arbitration. The PSCSC is a three-member appointed body that hears appeals and issues a decision within 90 days after the hearing.²⁶ The hearing is open to the public. Alternately, if the aggrieved officer or SPOG refers a

Ninety-five percent of appeals filed from 2016-2021 were filed through arbitration.

discipline grievance to arbitration, the hearing is closed to the public and the arbitrator issues a decision within 30 days after the hearing.²⁷ With either method of appeal, SPD does not wait for the appeal to be concluded before disciplining an officer. Ninety-five percent of appeals filed from 2016-2021 were filed through arbitration.

²⁶ See PSCSC website at seattle.gov/public-safety-civil-service-commission.

²⁷ See article 14.2 of the SPOG contract at bit.ly/3wt9ivd.

Officers and SPOG filed 13 appeals in 2021. Six officers appealed written reprimands and five appealed suspensions. In addition, both officers who were terminated in August 2021 appealed their termination. Five appeals were closed in 2021. One former officer's 2018 termination was settled prior to arbitration. A second appeal from 2017 was decided by an arbitrator—the first arbitration decision since March 2016—with the discipline upheld. The PSCSC upheld another former officer's termination in May 2021, one year after the appeal was filed. Another former officer withdrew the appeal of their 2020 termination from the PSCSC. Lastly, the 2016 termination of an officer who punched a handcuffed woman in 2014 was closed in September 2021 when the Washington State Supreme Court denied SPOG's petition for review.

The City Attorney's Office handles appeals and provides bi-annual status reports to OPA and OIG. Using information from these reports, OPA publishes data on all disciplinary appeals filed since 2016 to its website.²⁸ There were 93 open appeals of police discipline at the end of 2021, all of which were pending arbitration. Arbitrator selection and scheduling is a lengthy process, as underscored by the long list of open appeals from prior years, many involving officers who no longer work for SPD.

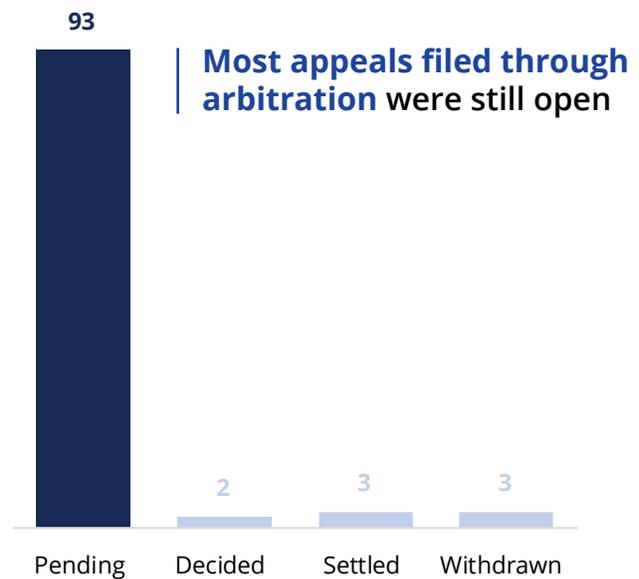


Figure 20: Status of Appeals Filed through Arbitration between 2016 and 2021



²⁸. See the appeals webpage at seattle.gov/opa/case-data/disciplinary-appeals.



Policy & Programs

Unsubstantiated Misconduct Screening

The Unsubstantiated Misconduct Screening (UMS) program allows for allegations of misconduct that are clearly refuted by evidence to be investigated and documented by the chain of command and then screened with OPA via email. The OPA director reviews the supervisor's analysis and relevant video to determine whether a formal complaint referral should be made to OPA.

This program began in 2018 and was intended 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.²⁹ This was previously noted as a contributing factor to the decrease in patrol officer staffing, which was already at relatively low levels given significant officer separations. The second was that OPA was spending considerable resources investigating these demonstrably false claims, which diluted efforts to focus on viable allegations of misconduct.

In 2021, SPD supervisors screened 194 potentially-refutable allegations of police misconduct with the OPA director. Of these, the director requested a formal complaint referral in 31 (16%) of the cases. The rest were investigated and documented in the field by the chain of command rather than referred to OPA as complaints. For comparison, in 2020, OPA requested a complaint referral in 19% of UMS. OIG conducts quarterly audits of OPA's determinations on UMS incidents.

²⁹ 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.

Mediation

Mediation is an alternative dispute resolution mechanism. It is an opportunity for a complainant and an SPD employee to discuss a conflict under the guidance of a neutral, third-party mediator.³⁰ In 2021, OPA resolved two complaints via mediation. OPA also carried out a mediation program employee awareness campaign during which staff gave presentations and led discussions at all five precincts during all three watches. At these sessions, OPA staff provided an overview of the program, talked through specific process details, and encouraged officers to consider mediation as a viable solution for eligible complaints.

Rapid Adjudication

Rapid Adjudication is another alternative dispute resolution process. It is an option when an employee recognizes their conduct was inconsistent with SPD policy and chooses to accept pre-determined discipline in lieu of an investigation.³¹ This leads to faster case resolution and a decrease in appeals and delays. It also allows OPA to focus its resources on more serious cases. Oversight of this program is provided by the OIG. In 2021, OPA did not resolve any cases via Rapid Adjudication.

Management Action Recommendations

During an investigation, OPA may identify concerns with SPD policies or training 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 amended. Through MARs, OPA can be proactive in preventing misconduct before it occurs, while at the same time ensuring that any discipline imposed in investigations will not be overturned on appeal based on flaws in SPD policies and training, or a determination that officers were held accountable to standards to which they were not trained or that were unclear.

SPD is not required to implement OPA's recommendations, but they do actively collaborate and attempt to find solutions. A MAR is considered complete when OPA receives a formal response letter from SPD. OPA reviews the response and determines whether the recommendation was "fully implemented," "partially implemented," or "declined action." OPA's MAR letters and SPD's responses are posted on the OPA website, and dispositions are updated regularly.³² In cases where the MAR resulted in changes to SPD training, OPA may continue to monitor the full implementation of the recommendation.

OPA issued 25 MARs on 22 areas of SPD policy or training in 2021. At the time of this report's publication, 15 of the 25 recommendations had been completed. All 2021 recommendations are listed in the appendix.

³⁰. See seattle.gov/opa/programs/mediation-program.

³¹. See seattle.gov/opa/programs/rapid-adjudication.

³². See the statuses of all MARs at seattle.gov/opa/policy/policy-recommendations.



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. 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.³³ Additional 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 carry out their work efficiently and effectively while preserving police accountability.

Updated OPA Manual

In 2021, OPA updated its Internal Operations and Training Manual for the first time since 2016.³⁴ This was the result of months of collaboration both internally and with outside partners. The new manual—which went into effect on January 1, 2022—formalized many programs, policies, and organizational changes that resulted from the 2017 police accountability ordinance, the most recent SPOG and SPMA contracts, and the removal of parking enforcement officers and 911 communications staff from SPD.

³³. 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 within 180 days after it is implemented, and annually thereafter.

³⁴. See OPA's Internal Operations and Training Manual at bit.ly/3D3iCr0.

Other OPA Functions

Community Engagement

Prior to the pandemic, OPA's community engagement efforts focused primarily on increasing awareness of police accountability through face-to-face information sharing. The reality of 2021 provided an opportunity for OPA to alter this approach and instead offer complainants guidance as they moved through the complaint process. This involved explaining the OPA process to complainants, answering questions, addressing concerns, and providing complaint status updates.

OPA also participated in its first in-person community event since COVID began: the 7th Annual Boo Bash at the Beach, a Rainier Beach Halloween party. OPA interacted with hundreds of organizations and community members, hosted games, and gave out prizes and pamphlets about the complaint process and the police accountability system.



SPD Employee Engagement

OPA staff engage often with SPD employees through dialogue and informational presentations. In 2021, the director and/or other OPA leaders presented to various SPD units and groups, including the Community Response Group, Field Training Officer School, Command Leadership Training, SPOG Board Training, and precinct roll calls. OPA also presented to each academy class of new officers to introduce the role and expectations of OPA.

OPA issued 14 Case and Policy Update newsletters in 2021. 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, over 1,700 individuals are signed up to receive it, about half of whom are SPD employees.

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.³⁵

When such incidents occur, OPA representatives respond to the scene and participate in the administrative investigation of the incident. The administrative investigation examines whether an officer's conduct followed SPD policy and training. At any point, OPA can identify concerns related to possible violations of SPD policies and initiate a complaint.

In 2021, OPA responded to 11 FIT callouts. FIT callouts demand significant time and resources.³⁶ OPA attends each FIT callout involving SPD officers to increase procedural justice and fortify civilian oversight, accountability, and transparency in force investigations.

OPA attends each FIT callout involving SPD officers to increase procedural justice and fortify civilian oversight...

Bias Reviews

In 2021, OPA reviewed 177 Bias Reviews. Bias Reviews occur when a community member makes an allegation of bias-based policing but does not specifically request that a complaint be referred to OPA. While not considered complaints, Bias Reviews are still carefully examined.

When a bias allegation is made, an SPD supervisor responds to the scene, conducts a preliminary investigation, and discusses the allegation with the community member. If the community member has left the scene or does not want to participate in a discussion, the supervisor reviews the relevant body-worn video as part of their investigation. If the community member does not ask to file an OPA complaint, and the supervisor's investigation shows that no misconduct occurred on the part of the employee, the supervisor can document their investigation in a Bias Review Template. The template is sent to the chain of command for review and to OPA for final determination. If any concerns about the way the screening was handled, bias, or misconduct arise, OPA initiates a new case. Otherwise, the Bias Review is closed.

³⁵. 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.

³⁶. Callouts in 2021 were generally attended by the director and/or assistant director of investigations, and/or two sworn investigators. OPA representatives stay at the site of the incident, the hospital, and/or the FIT office until the initial investigation and interviews have been completed.

Appendix: Management Action Recommendations

Topic	OPA Recommendation	SPD Action	Status
Escalation of Crowds	Place more parameters around officer discretion and responses to misdemeanor offenses during protests to avoid escalating tensions with protesters.	SPD does not support policy changes that prohibit arrests during large scale demonstrations. However, SPD revised Policy 14.090 to include a matrix to guide officers on enforcement action/intervention of any public assembly. SPD Incident Commanders are expected to provide direction to officers during protests.	Partially Implemented
Vehicles as Deadly Weapons	Create a policy to clarify whether vehicles may be used as impact weapons to stop suspects in the commission of crimes.		In Progress
Force Reporting in Demonstrations	Improve SPD processes for reporting officer force used in prolonged protest settings.	SPD does not have the resources to build a system robust enough to deal with the events of 2020. However, SPD has taken steps to address this concern, including training officers to narrate their use of force actions on body-worn video, changing how SPD responds to protests, and deploying "Use of Force" sergeants to document and investigate force used in protests.	Partially Implemented
Screening SPD Social Media Posts	Require chain of command screening of all SPD social media posts concerning high-profile matters that are reasonably expected to impact community perception of SPD.	The Director of Strategic Communications is committed to ensuring that the Public Affairs Office adheres to the recommendation.	Fully Implemented

Topic	OPA Recommendation	SPD Action	Status
Use of Force – Blast Balls	Prohibit officers from deploying blast balls in an overhand/sidearm throw unless to prevent imminent serious bodily harm; Define and provide examples of “serious imminent physical harm” as used in Policy 8.300; Ban the use of blast balls in crowd control unless SPD can use them in a safe, non-indiscriminate manner that eliminates the risk of harm to non-violent parties.	SPD revised Policy 14.090 and 8.300 to provide more restrictions on when it may be appropriate to deploy blast balls.	Partially Implemented
Complex Incident Command	Strengthen incident management protocols, command structure for complex incidents, and training for SPD commanders to better ensure SPD leadership’s effective planning, active control, and unified command over officers in complex incidents.	SPD made widespread changes to Policy 14.090 in the aftermath of the 2020 protests that included new requirements for Incident Commanders. In addition, SPD provided crowd management training to all sworn employees captain and below.	Fully Implemented
Enforcement Towards Media	Develop a policy to define who is a member of the media, how SPD responds to members of the media during protests, and when force may be used on or in the vicinity of media.	SPD revised Policy 14.090 to define media. Policy 14.090-POL-9 addresses OPA’s recommendations.	Fully Implemented
Arresting SPD Employees	Develop a policy for arrests of SPD employees to avoid giving or appearing to give preferential treatment to the arrested person.		In Progress
Providing Medical Aid	Revise Policy 8.300-POL-4 to define how officers should decontaminate individuals affected by pepper spray. Assign one officer per bicycle squad to carry a sterile saline solution to decontaminate the eyes of protesters affected by pepper spray.	SPD employees train every two years on the use of pepper spray and “after care,” which includes decontamination steps. Due to the dynamic nature of protests, SPD does not agree to assign an officer to carry sterile saline solution.	Declined Action

Topic	OPA Recommendation	SPD Action	Status
Miranda Warnings	Ensure that officer roles are clear in protest arrests so that Miranda warnings are read when required.	SPD revised Policy 14.090 to address many lessons learned from the 2020 protests. In addition, the Training Section plans to address Miranda warnings in a 2022 Legal Digest.	Fully Implemented
Leaf Blowers in Demonstrations	Develop a training and engagement plan for officers responding to leaf blowers in protests.	SPD does not have the resources to develop and provide training to officers on leaf blowers.	Declined Action
Timekeeping	Develop a centralized database to record and track overtime hours. Enable SPD supervisors to view all approved overtime for their employees.		In Progress
Surveillance	Develop a policy surrounding the Surveillance Ordinance and its implications for SPD officers, including what technologies are approved and prohibited.	APRS sent an email to all SPD employees citing SMC Chapter 14.18 which prohibits the use of personal technology, administrative privileges, or any other means to bypass City processions on acquisition and use of surveillance technology. SPD is working on an eLearning regarding the Surveillance Ordinance.	Fully Implemented
Long Range Acoustic Device	Develop a policy to outline the appropriate use of the LRAD. Work with accountability partners to ensure that policy and training on the LRAD addresses community concerns and reflects best practices.		In Progress
Handcuffing Exception	Evaluate whether there should be an exception to the handcuffing requirement where the officer determines that front handcuffs and double cuffs are not possible due to an arrestee's physical condition.		In Progress

Topic	OPA Recommendation	SPD Action	Status
Medical Exemptions	Improve HR administration of employee exemptions. Require documentation from a medical professional confirming the medical reason for an exemption when the exemption impacts the employee's ability to safely perform their duties. Restrict officers' patrol duties immediately if the exemptions put others at risk.		In Progress
Responding to Subjects with Knives	Develop dynamic, outdoor training scenarios involving subjects with knives who are either moving toward or away from officers. Research and test other less-lethal tools which may reduce the use of deadly force.		In Progress
Use of Force Definitions	Revise the definition of Type I force to include force that is reasonably likely to cause transitory pain.		In Progress
High-Risk Vehicle Stops	Provide guidance on when it is appropriate for officers to conduct high-risk vehicle stops. Amplify training to provide examples of stops in which it may be unnecessary to draw firearms.	SPD training on displaying a firearm when initiating a traffic stop remains consistent with the policies and training previously approved by the Monitor, DOJ, and federal court, and with the training provided by the State.	Declined Action
Traffic Section Mask Compliance	Determine whether the Traffic Section should seek an exemption to the citywide mask mandate.	The Captain of the Traffic Section informed employees under his command that they comply with the city mask requirement.	Fully Implemented
FIT Investigations	Revise policy to formalize the limitations of watching video prior to and during FIT investigations.		In Progress
Canine Deployment	Revise Policy 8.300-POL-1(3) to eliminate the word "completed" or provide additional context to its meaning.		In Progress

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