

Seattle Police Department **Office of Professional Accountability**

2011 and 2012 Statistics and Policy Recommendations Report

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ABOUT THIS REPORT:

This report provides an overview of complaints processed by the Office of Professional Accountability (OPA) during 2011 and 2012. Data concerning the numbers and types of allegations filed, information about how cases were resolved, and background on complainants and employees named in OPA complaints is presented. Policy and training recommendations are noted and summaries of cases closed during this period are attached.

OPA Director (May 2007 – June 2013)
Kathryn Olson

INTRODUCTION AND HIGHLIGHTS

2011 and 2012 were particularly challenging years for the Seattle Police Department (SPD), as a series of misconduct incidents captured the attention of the community and led to a Department of Justice (DOJ) investigation into misuse of force and biased policing. Ultimately, a Settlement Agreement and Memorandum of Understanding were negotiated between the City and DOJ, and a Monitoring Team was assigned to oversee reform implementation. As the Settlement Agreement notes, DOJ found that the Office of Professional Accountability (OPA) “system is sound and that investigations of police misconduct complaints are generally thorough, well-organized, well-documented, and thoughtful.”¹ Of course, OPA can always do better and will strive to ensure that officers and complainants continue to receive a thorough, fair, and expeditious resolution of complaints. OPA will work with the Monitoring Team and Community Police Commission (CPC), also created by the settlement, to advance these goals.

This report provides data on OPA complaints processed in 2011 and 2012, along with comparative statistics from earlier years and information about other OPA activities.²

- **After a slight decrease in 2011, there was a 13% increase in complaints in 2012.**
- **The most common OPA complaint involves officer discourtesy, though in 2012, there was a significant spike in service quality and enforcement discretion claims.**
- **After a 30% increase in use of force complaints in 2010, there was a 23% drop in allegations related to using or reporting force in 2011 and 2012.**
- **The percentage of cases Sustained dropped to 9% in 2010, but was back up to 11% and 12% in 2011 and 2012, more typical of earlier years.**
- **Discipline actions increased dramatically since 2010, with three times as many instances of discipline in 2011 and twice as many in 2012.**
- **Issues involving professionalism, failure in performance of duty, and matters of integrity were the three most common types of complaints Sustained.**
- **Approximately 20% of OPA cases resulted in a Training Referral in 2011 and 2012.³**
- **The average time it took to complete an OPA investigation increased in 2011, but was back down to 157 days in 2012, a low last seen in 2009.**

¹ Settlement Agreement, p. 46: <http://www.seattle.gov/mayor/media/pdf/120727settlementagreement.pdf>

² OPA took a new approach to presenting annual statistical information beginning with the 2010 report, using a more concise format in line with other SPD reports. Reports now use a “dashboard” style for summarizing data combined with shorter narratives highlighting information and OPA initiatives. In each section of the report, key indicators are presented at the top of the page, with comparative information for prior years. Where appropriate, trends are noted with arrows. This approach received positive feedback from elected officials and the community.

³ 21% of cases closed in 2011 and 19% of cases in 2012 resulted in a Training Referral.

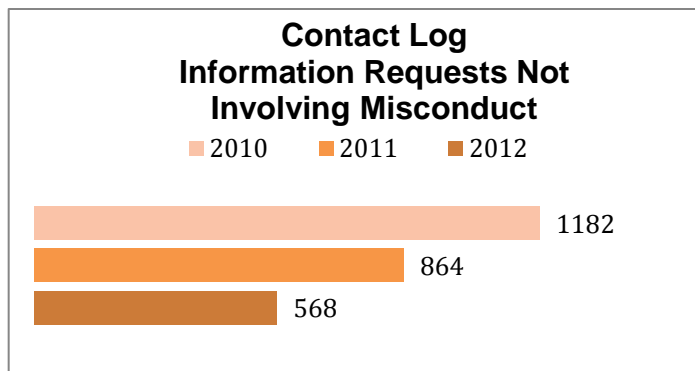
Complaint Intake and Classification

Intake and Classification by Year	2010	2011	2012
Supervisory Action ⁴	344	341 ▼	413 ▲
Investigation	214	201 ▼	186 ▼
Total	558	542 ▼	599 ▲

Complaint Intake and Classification Process

When OPA receives a complaint, an Intake Sergeant interviews the complainant and gathers information about the police incident involved. The OPA Investigation Section (OPA-IS) Lieutenant or his designee reviews this information and recommends whether the complaint should be handled by the employee’s supervisor (Supervisor Action) or requires further investigation (Investigation). The seriousness of the misconduct alleged, whether the employee has a history of complaints, and whether there is a potential policy or training issue may impact the classification. A single complaint can involve more than one officer and multiple allegations.

Next, the civilian OPA Director and Auditor review all intake information and a final decision is made whether to refer the complaint to the employee’s supervisor or for investigation. Some cases are considered for mediation at this stage, too.



Matters not involving misconduct are tracked in a master “Contact Log” and reviewed monthly by the OPA Director and Auditor.⁵

⁴ In 2012, following a joint recommendation by OPA, the OPA Auditor, and the OPA Review Board, the OPA classification system was simplified. Previously, matters now classified for “Supervisor Action” were categorized as a “Preliminary Information Report (PIR)” or a “Supervisor Referral (SR).” Complaints now classified for “Investigation” previously were categorized for “OPA Investigation (OPA-IS)” or “Line Investigation (LI).” An LI is an investigation handled by the named employee’s Line of Command, while the OPA conducts OPA-IS investigations. There are specific requirements about notice, interview procedures and the right to meet with the Chief in certain cases, regardless of who handles the investigation. Because OPA found inconsistent quality in LI investigations, referrals to the Line ceased in 2011 and will not be resumed before training takes place. For further information, see: http://www.seattle.gov/council/OPARB/reports/2011opa_classifications_findings.pdf

⁵ Contact Log issues typically involve requests for information or referrals to other SPD units or agencies.

Examples of Complaint Classifications in 2011 and 2012:

- **Example of a case classified for Supervisor Action:** The complainant visited a precinct to ask an officer what she should do about an estranged husband who was violating a protection order. The order was not in the system, though the complainant showed a copy of it to the officer. The officer told the complainant to document any violations, but did not take a report. Under Department policy and procedure, the officer should have taken a report and follow-up steps to have a copy of the protection order served on the estranged husband if there was any question as to whether he knew about the order. Because it appeared that the officer might have been confused about what to do since the order was not in the system, the case was classified for Supervisor Action so counseling and training could take place. When the officer's supervisor contacted the complainant, she stated she did not want to pursue a complaint or get the officer into trouble. The supervisor explained to the complainant that he reviewed SPD policies on domestic violence with the officer, and that the officer was receptive, agreeable and welcomed the critique. The complainant indicated this approach was acceptable and that she was satisfied with the outcome of her complaint.
- **Example of a case classified for Investigation:** The complainant, whom the named officers were investigating for possible involvement in an assault, alleged that the named officers improperly searched the trunk of his car. OPA added an allegation that two of the named officers failed to use their In-car Video (ICV) systems in violation of Department policy. Following an investigation, the preponderance of the evidence demonstrated that the officers lacked justification to search the trunk of complainant's car, and that two of the officers failed to use their ICV system, which could have provided material evidence regarding the allegations under investigation. The officers received discipline and follow-up training on search and seizure procedures. Complaints raising allegations of unnecessary use of force, illegal searches, officer dishonesty or other issues of integrity are examples of the type of cases generally classified for investigation.
- **Example of a case referred for Mediation:** The complainant alleged that one of two officers was rude when responding to a call he made about an unconscious male. He said he made the complaint because he wanted to help change the officer's behavior in a positive way, was not looking to have him disciplined, and was interested in mediation. However, it was difficult for the complainant to identify the officer who was rude, even after looking at photos, because it had been dark at the time he interacted with them. One of the officers was on extended leave, so mediating with both was not an option. With approval from the complainant, the officers' supervisor met with him to hear his perspective on the incident and personally follow up with both officers. The supervisor and OPA Director expressed appreciation for the complainant's constructive feedback.

Complaint Intake Observations

- The number of complaints made to OPA continues to steadily increase. Though there was a small decrease in the number of OPA complaints in 2011 as compared to 2010, complaints increased again in 2012, by nearly 13%.
- Requests to OPA for information and referral have decreased dramatically. In 2011, there was a nearly 25% decrease in the number of requests for information (tracked through the OPA Contact Log) as compared to 2010. In 2012, the number of contacts that could be resolved at the outset dropped another 35%.
- More complaints are being classified for handling by a supervisor. Though the total number of complaints in 2012 is higher than 2011, more complaints are being referred for Supervisor Action, allowing for faster resolution of low level concerns and freeing up time for OPA to focus on the most serious allegations.

Follow-up from 2010 and Looking Ahead - A More Accessible Complaint Process and Increased Supervisory Involvement

OPA continually strives to make its complaint system more accessible to the diverse communities found in Seattle. The 2010 Statistics Report noted a goal to get feedback on how to make the complaint process more user-friendly. In outreach sessions with community groups, the OPA Director sought input about how OPA can more effectively serve all Seattle residents. With input from the OPA Auditor, steps have been taken to communicate with complainants and employees more regularly during the investigation process, and to explain the many steps involved more clearly from the outset. OPA will continue to solicit community feedback about ways to make the system more transparent. The new OPA Director, Pierce Murphy, has committed to holding regular hours in the community to receive complaints and public input.

OPA is working with SPD to implement commitments made in the DOJ Settlement Agreement and Memorandum of Understanding. For example, the OPA Training and Operations Manual was updated to incorporate best practices, procedures and training requirements for OPA staff, and will continue to undergo revision. Also, OPA is helping to identify Liaison Officers at each precinct and developing training so they can facilitate Supervisor Actions and Training Referrals. The development of Liaisons was noted in the SPD 20/20 Initiatives as important to the goal of ensuring accountability throughout the Department, and is included in the DOJ Settlement.

The 2010 Statistics Report noted a goal of moving toward more supervisory involvement in handling citizen complaints, and as reported above, the percentage of complaints classified for Supervisor Action has increased. If the facts, even if true, would not likely result in discipline, the complaint is usually sent to the supervisor for handling. A supervisor can more quickly address an allegation of discourteous behavior, for example, sharing the complainant's experience with the employee and providing guidance on better ways to interact. OPA provides explicit directions in Supervisor Actions, sets a 30 day turn-around time, and requires written documentation about how the matter was addressed, so that the OPA Director and Auditor can monitor the quality of the process. Allowing supervisors to handle less serious complaints

allows for faster feedback to complainants and more immediate training or counseling for employees, while ensuring OPA oversight. Working to involve supervisors more with complaint resolution is consistent with SPD's renewed effort to assist sergeants in their role of managing officer performance.⁶

Looking ahead, efforts are underway to enhance the current complaint tracking system used by OPA, or to develop a new system that will allow for more effective monitoring. Ideally, supervisors will have access to a centralized reporting system to ensure all complaints are recorded, including those resolved at the precinct level, and to minimize the amount of paperwork and resources now required.

Officers with Single and Multiple Complaints

Percentage of Complaints received by Officers	2010	2011	2012
Officers with No complaints	82.5%	85.3% ▲	84.2% ▼
Officers with 1 complaint	14%	11.8% ▼	13.7% ▲
Officers with 2 complaints	2.7%	2.4% ▼	1.5% ▼
Officers with 3 or more complaints	<1%	<1% ■	<1% ■

Using a strength average of 1,300 in 2011 and 1,296 officers in 2012 (including all ranks)

The great majority of officers, 84-85% in 2011 and 2012, did not receive an OPA complaint. The number of officers receiving one misconduct complaint dropped in 2011 to 11.8% of all officers, though increased in 2012 to 13.7%. The percentage of officers with 2 complaints dropped slightly from 2.7% to 2.4% between 2010 and 2011, but was down more significantly to 1.5% of all officers in 2012. Consistent over time, less than 1% of officers receive 3 or more complaints in a given year.

Follow-up from 2010 and Looking Ahead – Early Intervention System

The 2010 OPA Statistics Report noted that the Early Intervention System (EIS) was undergoing changes so the Department can more readily identify employees who may be experiencing stress or other difficulties that can impact safety or job performance. A variety of factors serve as indicators that a particular officer might benefit from early intervention, including vehicle collisions, failure to appear for court, failure to appear for training, or exceeding a threshold

⁶ For example, a change was made in 2012 that helps clarify for sergeants the specific officers within a squad over whom they are responsible. The Department also is creating a Sergeant's Academy to provide consistent training on supervisory responsibilities and resources, above and beyond the training all officers receive through Street Skills. OPA is involved in designing sessions of the Sergeant's Academy that involve conduct expectations and the OPA complaint process.

number of use of force incidents within a specified time.⁷ SPD policy currently provides that three OPA complaints received within a year will trigger an EIS review.

Under the DOJ Settlement Agreement and with the Monitor’s guidance, SPD will review the criteria used to trigger an EIS review and will adjust, where appropriate, the threshold levels for these indicators. The Settlement Agreement notes that the EIS system is not intended to be used for disciplinary purposes, but to help identify behaviors that could become problematic. It is important to help officers by addressing issues before they develop into misconduct.

Complaints by Precinct

	2011			2012			
	Supervisory Action	Full Investigation	Total	Supervisory Action	Full Investigation	Total	
East Precinct	47	22	69	58	22	80	▲
North Precinct	65	37	102	88	28	116	▲
South Precinct	39	22	61	48	21	69	▲
Southwest Precinct	31	20	51	31	6	37	▼
West Precinct	124	71	195	158	78	236	▲
Other ⁸	35	29	64	30	31	61	▼
TOTALS	341	201	542	413	186	599	▲

As in prior years, in 2011 and 2012 West Precinct officers had the most complaints, likely explained by the fact the precinct covers downtown Seattle and other areas with the highest influx of people each day, sporting events, and a wide variety of nightlife options generating more police activity. The East, North, South and West Precincts all experienced an increase in complaints, with the most significant uptick seen in West. The Southwest Precinct had the lowest number of complaints and fewer overall in 2012 as compared to 2011.

⁷ The current EIS policy, Seattle Police Manual 3.070, can be found at: http://www.seattle.gov/police/publications/manual/03_070_early_intervention_system.html

⁸ The “Other” category includes complaints against officers in specialty units and civilian employees.

Follow-up from 2010 and Looking Ahead – More Precinct Focused Feedback

While OPA consistently provides feedback concerning complaints against individual officers, and offers information about some trends observed, OPA does not have the resources to conduct more routine in-depth complaint examinations on a precinct or unit level. The issue of lack of resources for OPA to conduct more statistical analyses is being addressed in two ways. First, as in the past, the OPA Director submitted a budget request to hire an individual who can assist in handling the statistical analysis function. A Deputy Director position has recently been approved and the additional manpower will allow for more complaint analysis on the precinct or unit level. Second, a complete review of the OPA computerized tracking system is underway and changes are contemplated that would allow employees and their supervisors to have direct access to complaint data. When the new system is operational, training will be provided at the precinct and unit level, to provide the skills necessary for others to analyze complaint statistics from their own vantage point and without having to rely on OPA resources in the process.

Race/Ethnicity and Gender Data

Officer Data	2011		2012	
Race/Ethnicity	# of Officers with Complaints in Race/Ethnic Group	% of Officers in Race/Ethnic Group with Complaints	# of Officers with Complaints in Race/Ethnic Group	% of Officers in Race/Ethnic Group with Complaints
American Indian/Alaskan Native	8	1.49%	15	2.37%
Asian/Pacific Islander	43	7.99%	42	6.64%
African American/Black	72	13.38%	72	11.37%
Hispanic/Latino	22	4.09%	33	5.21%
White/Caucasian	393	73.05%	471	74.41%
Totals	538	100.00%	633	100.00%

Officer Data	2011		2012	
Gender	# of Officers with Complaints	% of Officers with Complaints	# of Officers with Complaints	% of Officers with Complaints
Male	472	87.73%	566	89.42%
Female	66	12.27%	67	10.58%
Totals	538	100.00%	633	100.00%

Just as OPA is interested in understanding demographic data regarding complainants, it also is interested in tracking race/ethnicity and gender information for officers who receive complaints. OPA recently began working with a researcher who will study complaint data to determine if there are any noteworthy trends in the discipline process that are explained by officer characteristics.

Complainant Data	2011		2012	
	# of Complainants in Race/Ethnic Group	% of Total # of Complainants in Race/Ethnic Group	# of Complainants in Race/Ethnic Group	% of Total # of Complainants in Race/Ethnic Group
American Indian/Alaskan Native	11	2.07%	5	.89%
Asian/Pacific Islander	24	4.51%	20	4.47%
African American/Black	108	20.30%	75	16.78%
Hispanic/Latino	18	3.38%	13	2.91%
White/Caucasian	251	47.18%	220	49.22%
Unknown	120	22.56%	115	25.73%
Totals	584	100.00%	629	100.00%

Complainant Data	2011		2012	
	# of Complainants	% of Complainants	# of Complainants	% of Complainants
Male	368	63.01%	355	56.44%
Female	197	33.73%	249	39.59%
Unknown	19	3.25%	25	3.97%
Totals	584	99.99%	629	100.00%

OPA continues to improve in collecting statistics related to the race/ethnicity and gender of complainants. Demographic information is collected from complainants on a voluntary basis and some choose not to share such data. In some cases, if the information has not been provided at the outset, the OPA Investigator can collect the data through other sources, such as incident reports involving the complainant.

Males file the majority of OPA complaints, though 6% more women lodged complaints in 2012 as compared to 2011. Close to 50% of complainants identify themselves as White/Caucasian. Though the 2010 U.S. census indicates that the African American population in Seattle is 7.9%, 20.30% of complaints in 2011 and 16.78% of those filed in 2012 were made by people

identifying as African American/Black.⁹ In comparison, Hispanics comprise 6.6% of the Seattle population, while complainants identified themselves as Hispanic in 3.38% (2011) and 2.91% (2012) of complaints filed.¹⁰

While current resources do not permit more in-depth analysis of complainant data on race/ethnicity, it is clearly important to understand and central to concerns about biased-based policing. New personnel are being assigned to OPA as the next OPA Director comes into office, allowing for further study of these important issues.

Allegation Types

Allegations Raised in OPA Complaints by Year ¹¹	2009	2010	2011	2012
Attitude/Demeanor/Courtesy	172	227	249 ▲	228 ▼
Use of Force	106	159	121 ▼	125 ▲
Enforcement Discretion	68	112	73 ▼	137 ▲
Searches	46	60	38 ▼	34 ▼
Service Quality	69	50	66 ▲	228 ▲
Violations of Law ¹²	30	40	40 ■	42 ▲
Biased Policing	18	12	30 ▲	28 ▼
In-Car Video Usage	16	30	37 ▲	45 ▲

Overview of Misconduct Allegations

When a complaint is made to the OPA, the underlying facts are analyzed against the Seattle Police Manual to determine the policy involved and the specific allegations that will be included. OPA will add on allegations when appropriate, even if the complainant does not mention a particular issue. A single complaint can involve multiple employees and multiple allegations.

⁹ <http://quickfacts.census.gov/qfd/states/53/5363000.html>

¹⁰ Ibid.

¹¹ There are numerous other allegations that can be raised in a complaint, but those listed are some of the more common or, even if raised infrequently, may be of interest to the reader.

¹² If an officer is charged with a criminal violation of law, the case is investigated outside of OPA (either by an SPD criminal investigation unit identified by OPA or by another law enforcement agency). OPA usually conducts the administrative investigation after the criminal charge is resolved.

The most surprising change seen in the numbers reported above is that allegations about Service Quality have increased nearly fourfold, and complaints involving Enforcement Discretion also rose higher than seen in previous years. Service Quality complaints include those where the officer is seen as not having fully addressed the needs of the complainant or steps expected in a particular incident. The complainant is left unsatisfied with how the situation was handled. Unless the involved officer has a history of such complaints or there are other serious issues involved, these complaints usually will be referred to the supervisor for handling, with feedback to the complainant about steps that were taken with the officer and monitoring by the OPA Director and OPA Auditor.

Over the years, the most common complaint made to OPA has been that an officer was discourteous or demonstrated a poor attitude during an incident. This is frequently reported to be the most common complaint about officers in other police departments, too. While it is good that fewer complaints are received alleging more serious misconduct such as misuse of force, it is important that the officer's chain of command properly counsel employees about courtesy complaints. If an officer receives repeated complaints involving attitude or courtesy issues, an investigation may be conducted resulting in discipline. However, most of these cases are classified for Supervisor Action, with the employee's supervisor counseling the employee about the citizen's experience, or they may be referred for mediation.

At the same time that the law regarding searches has gone through changes, particularly with regard to vehicle searches, complaints have decreased by about 40% since 2010. The decrease in search related complaints might be a result of training recommendations made by the OPA Director since as early as 2008. Training on searches in compliance with law and policy is being provided to both officers and sergeants in a number of different contexts, and with the OPA Director's involvement in some cases. The topic will receive heightened attention in the 2013 Street Skills course. Also, because policy requires that searches conducted by consent be documented, OPA recommended that policy be amended to clarify that using the ICV to record consent should be acceptable proof that consent was provided.

The number of officers charged with violations of law has remained relatively stable since 2010. Violations of law most typically involve employees being arrested for Driving Under the Influence (DUI), though in 2011 and 2012, other officers were investigated for administrative violations related to Obstruction, Reckless Driving, Domestic Violence, Violation of No-Contact Order, Misdemeanor Assault, Malicious Mischief, Driving with a Suspended License, and Possession of Illegal Fireworks. Criminal allegations are initially referred to the Criminal Investigations Section (or handled by an outside jurisdiction) and may be prosecuted in court, with OPA's involvement generally following this process. The question of whether OPA should be doing more parallel investigations when criminal charges are involved is under review, and the OPA Director facilitated a panel on the issue at the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in 2012.

Use of force allegations had increased in 2010 for the first time since 2006, though dropped in 2011 and 2012 and are discussed in more detail below. All complaints involving use of force are classified for Investigation.

Allegations of biased policing dropped from a high of 31 in 2007 to 12 in 2010. However, biased policing complaints more than doubled in 2011 and 2012, back up to numbers last seen in 2007. The question of whether the Department engages in biased policing was investigated by the DOJ. While determining that there was not a pattern and practice of unconstitutional biased policing by SPD, there nonetheless is concern that more can be done to address the issue. As a result, the Department is revising its policy on biased-based policing, requiring that all employees participate in the Race and Social Justice Initiative training on Race: The Power of Illusion, and taking other steps to ensure officers enforce the law in an unbiased manner.

Follow-up from 2010 and Looking Ahead – LEED

The 2010 OPA Statistics Report noted that the Department was undertaking a program to encourage officers to “Listen and Explain with Equity and Dignity” (LEED) when interacting with the public. LEED training reminds officers to treat all citizens in a respectful, dignified manner. Doing so increases the likelihood the citizen will see the officer’s enforcement actions as legitimate and comply with those efforts.

There are three primary components to the LEED initiative: training for new recruits and hires, in-service training for officers during Street Skills, and command/supervisor training. The recruit training has been underway since June 2012 and in-service training for current officers, commanders and supervisors recently began. The training focuses in particular on incorporating LEED concepts into existing protocols, coordinating the need for officer safety and control with respectful treatment of citizens. The OPA Director and Auditor are providing feedback on the training, with specific suggestions for improvements. Also, OPA is considering ways to measure the impact of the training, including effects on the number and types of complaints received.

The impact of LEED also is being studied in a research project supported through a grant from the Seattle Police Foundation. Dr. David Weisburd of George Mason University, Dr. Geoff Alpert from the University of South Carolina, and Emily Owens from Cornell University joined Claudia Gross-Shader of the Office of the City Auditor to develop a structured approach to using LEED principles in debriefs of critical incidents between an officer and supervisor. They have conducted training with precinct patrol and operations lieutenants and began the structured debrief sessions in May 2013. The research has a number of objectives, including that of exploring whether officers think a LEED debrief is constructive and whether regular LEED debriefs produce a positive impact on officer performance.

A Closer Look at Use of Force

Officers with Use of Force Complaints by Year	2010	2011	2012
Officers with one use of force complaint	98	86 ▼	87 ▲
Officers with two use of force complaints	13	7 ▼	11 ▲
Officers with three or more use of force complaints	3	0 ▼	1 ▲
TOTAL	114	93 ▼	99 ▲

After a slight increase in in 2010, reported use of force incidents by SPD officers were down by 9% in 2011, the lowest observed in six years and down over 40% compared to 2006.¹³ Similarly, after a high of 149 OPA force related allegations in 2006, the number steadily dropped until 2010, when there was a 30% increase in use of force complaints, but has since dropped by 23% in 2011 and 2012.¹⁴ The number of officers with one or more use of force complaints also peaked in 2010, though dropped in 2011 and 2012

SPD officers use force infrequently - only 0.12% of all police incidents in 2010 and 2011 resulted in use of force. When officers applied force, it usually consisted of use of their own bodies, such as hands, arms, feet, and legs. Whether instances of force used were unnecessary was the subject of the DOJ investigation and ultimate settlement, aimed at reforming SPD's approach to using, reporting and reviewing use of force.

Follow-up from 2010 and Looking Ahead – Use of Force Policy

The 2010 OPA Statistics Report noted that SPD revised a number of its use of force processes in response to the Department of Justice's investigation.¹⁵ The DOJ Settlement Agreement incorporates and enhances many of the changes that have been in development, including an approach of dividing force into three categories for reporting, investigation and review purposes.

¹³ The Seattle Police Department issues annual reports on use of force by SPD officers. See: <http://www.seattle.gov/police/publications/default.htm> Statistics regarding SPD use of force in 2012 are under review.

¹⁴ See p. 11 above for information about allegations raised in OPA complaints, including use of force.

¹⁵ The 2010 Report noted that OPA worked with SPD and UW researchers to develop a project to study the issue of whether use of force is under-reported. Unfortunately, funding for the research was not forthcoming.

The goal is to focus police resources on the most serious cases, while also requiring that all reportable force be, in fact, reported. The categorization of the three types of force is based on factors such as degree of injury caused by the force, potential of force to cause injury, degree of pain or disability experienced by the subject, whether the subject complains, degree of restraint, impairment of the functioning of any organ, duration of the force, and physical vulnerability of the subject.

SPD also created a Use of Force Review Board to evaluate every instance of reportable force, including the adequacy of documentation, whether there are training or equipment issues, and whether the matter should be referred to OPA. OPA and representatives of the Board meet regularly to discuss overlap of concerns, and the OPA Director and OPA staff recently began attending Use of Force Review Board meetings. As the Use of Force Review Board's role continues to evolve, it is vital that the Department clarify when force related concerns should be referred for a misconduct investigation, and what the role of the Force Review Board should be in such cases. Of course, all of the substantive policy changes and referral protocols are being assessed by the Settlement Agreement Monitor and his team, and are subject to change.

OPA Investigative Findings

OPA Findings	2010	2011	2012 ¹⁶
Sustained	9%	11% ▲	12% ▲
Training Referral ¹⁷	14%	21% ▲	19% ▼
Lawful and Proper ¹⁸	32%	23% ▼	21% ▼
Inconclusive ¹⁹	13%	9% ▼	12% ▲
Unfounded	21%	25% ▲	36% ▲
Administrative Closures	14%	8% ▼	1% ▼

Overview of Investigative Process and Findings

Complaints investigated by OPA conclude with a finding once the investigation is complete. A single complaint can involve multiple officers and allegations, and can result in multiple findings. There are five potential outcomes: Sustained, Training Referral, Lawful and Proper, Inconclusive, and Unfounded.²⁰ Regardless of the finding, policy and training recommendations are made when an investigation uncovers issues to be addressed on a broader scale.

¹⁶ Findings in OPA cases closed during First Quarter 2013 are: 14% Sustained, 9% Training Referral, 22% Lawful and Proper, 16% Inconclusive, 38% Unfounded, and 1% Inactive.

¹⁷ Prior to 2012, the Training Referral finding was called "Supervisor Intervention."

¹⁸ Prior to 2012, the Lawful and Proper finding was called "Exonerated."

¹⁹ Prior to 2012, the Inconclusive finding was called "Not Sustained."

²⁰ A SUSTAINED finding means the allegation of misconduct is supported by a preponderance of the evidence. A TRAINING REFERRAL means, while there may have been a violation of policy, it was not a willful violation and/or the violation did not

When the OPA Investigator completes an investigation, the OPA-IS Lieutenant assesses the case, and then the OPA Director and Auditor review it to be sure it is thorough and complete. Follow-up investigative steps are taken if needed.²¹ Next, the OPA-IS Captain makes a recommended finding in a Proposed Disposition Memorandum (PDM), which is shared with the OPA Director and Auditor. A copy of the file and PDM is sent to the employee's Line of Command, with 10 days to comment. If the PDM makes anything other than a Sustained recommendation, the OPA Director determines the finding with input from the Auditor and the employee's supervisors. If the OPA Director or anyone else believes a complaint should be Sustained, even if the PDM recommends otherwise, the Director will call a discipline meeting.

If there is a Sustained recommendation, a discipline meeting is held with the OPA Director, an Assistant Chief, the employee's Precinct Captain or other unit manager, the SPD Legal Advisor, and the OPA-IS Captain and Investigator.²² Everyone reviews the investigative file before the meeting. Following discussion, the Assistant Chief decides, with input from the OPA Director, whether the complaint should be Sustained and, if so, the proposed discipline. Discipline that has been imposed for similar infractions is reviewed, as is the employee's personal OPA complaint history. The employee receives notice of the proposed discipline and if it involves a suspension, demotion or termination, is given the chance to meet with the Chief in a "*Loudermill* meeting."²³ Following this meeting, which the OPA Director attends, the Chief makes the final decision as to whether the complaint will be Sustained and the discipline to be imposed. The OPA Director is actively involved in consulting with the Chief as he makes these decisions.

Once a case is concluded, the OPA Director certifies the investigation is complete in a document called the "Certification" (Cert). The OPA Director summarizes the original allegations, the recommended PDM findings, and the ultimate findings made (whether by the OPA Director or the Chief of Police). The Cert will note if there is disagreement between the original recommended and ultimate findings, if the OPA Director disagrees with a finding made by the Chief, or if the OPA Auditor offered a different opinion on the finding. The complainant and named employee(s) are notified when the case is closed and provided a summary of the investigation and findings made.

amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training. If a preponderance of the evidence indicates the alleged act did not occur as reported or classified, or is false, there is an UNFOUNDED finding. Where a preponderance of the evidence indicates the conduct alleged occurred, but the conduct was justified, lawful and proper, there is an LAWFUL AND PROPER finding. If the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence, the result is a INCONCLUSIVE finding.

²¹ If the OPA Auditor recommends follow up investigation and the OPA Director disagrees with the recommendation, the Auditor can require OPA to conduct specified further investigation. The OPA Director and OPA Auditor work with each other and OPA staff if questions about the need for further investigation arise and, to date, disagreements have not reached the point of the OPA Auditor requiring investigation in the face of disagreement by the Director. See: <http://clerk.seattle.gov/~scripts/nph-brs.exe?d=ORDF&s1=122744.ordn.&Sect6=HITOFF&l=20&p=1&u=/~public/cbory.htm&r=1&f=G>

²² Under Chief Diaz, either the Deputy Chief of Operations or Deputy Chief of Staff would attend these meetings, rather than an Assistant Chief. As the role of Deputy Chief was eliminated under Chief Pugel, an Assistant Chief is now involved.

²³ The public employee's right to be heard before termination or other serious discipline is imposed was established in *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

Examples of Investigative Findings from 2011 and 2012:

- **Case found to be Sustained:** After being booked into jail for an outstanding arrest warrant, the complainant alleged the named officer mishandled property in his possession. A preponderance of the evidence demonstrated that one of the officers involved did not submit complainant's property into the SPD Evidence Section in a timely manner. The officer was disciplined by receiving a 1-day suspension without pay.
- **Case found appropriate for a Training Referral:** The complainant alleged the named officer failed to take appropriate action to investigate a domestic violence situation and that the named officer told her inaccurate information regarding her husband's right to access her prescription medication. The evidence showed that the officer completed a General Offense Report, properly labeling it as related to domestic violence. However, he failed to provide the parties with information required by policy to be given in potential domestic violence situations. He also provided incorrect information regarding access to medication by complainant's husband. The officer would benefit from review of policy on investigating and reporting domestic violence and the law regarding access to prescription medication by someone other than the person named in the prescription.
- **Case found to be Lawful and Proper:** The complainant alleged the officer used unnecessary force to control him when he was stopped for investigation following a complaint by a woman that he had followed and harassed her as she jogged along the sidewalk. OPA added an allegation for failure to use the In-car Video (ICV) system. A preponderance of the evidence demonstrated that the officer used minimal, necessary and reasonable force to maintain temporary control of the complainant who continually attempted to walk away from him. The evidence also showed that the quickly evolving nature of the contact with complainant did not allow for activation of the ICV.
- **Case found to be Inconclusive:** The complainant, who frequented a downtown intersection, alleged that the named officers, who walked a beat in the area, were disrespectful and called people derogatory names. The allegation that the officers used inappropriate language toward complainant and others could not be proved nor disproved by a preponderance of the evidence. Note: Because the officers were walking a beat, no In-car Video was available to help resolve the dispute.
- **Case found to be Unfounded:** The complainant reported to a patrol sergeant, who then referred the matter to OPA, that the named officer had unjustifiably pushed him into a bush while he was investigating complainant for chasing someone who appeared in distress. When contacted by OPA, complainant refused to provide any information, stated the matter was a misunderstanding, and did not want to pursue a complaint.

Summary of 2011-2012 OPA Investigative Findings

The percentage of cases closed with a Sustained finding rose from 9% in 2010 to 11% in 2011 and 12% in 2012, more in line with what was observed in 2008 and 2009.²⁴ The number of cases resolved with a Training Referral also increased over the past several years, from 12% in 2009, to 14% in 2010, and then up to 21% in 2011 and 19% in 2012. This increase reflects efforts by OPA to identify opportunities for training on best practices, even if a policy violation is not established or if training will be more effective than discipline in a low level infraction.

The percentage of cases resulting in a Lawful and Proper finding decreased from 32% in 2010 to 23% in 2011 and 21% in 2012, while the rate of complaints resulting in Unfounded increased from 21% in 2010 to 36% in 2012. Some have suggested that as the number of allegations in any single complaint has increased, more non-meritorious issues are being included, resulting in a higher percentage of Unfounded findings.²⁵ However, the collective bargaining agreement with the Seattle Police Officer's Guild requires that all allegations be identified within 30 days of receipt of a complaint, and OPA sometimes must include allegations before complete information is gathered to avoid losing the ability to address potential misconduct.

Sustained Allegations in 2011-2012

Below is a list of the types of issues that were Sustained in 2011/2012. The category with the most Sustained findings involved issues of professionalism, followed by failure to perform duty, and matters of integrity. Note that findings are for both sworn and civilian employees. A summary of cases in which there was at least one Sustained finding is attached to this report.

Criminal

Driving Under the Influence - 6

Domestic Violence – 1

Obstruction – 1

Disabled parking violation – 1

Reckless driving – 1

Malicious mischief – 1

Driving with suspended license – 1

Computer trespass – 1

Failure in Performance of Duty

Discretion – 9

Failure to process tickets – 1

Failure to document or report crime – 2

Failure to take action – 3

Failure to report collision – 1

Primary investigations – 3

Mishandling evidence – 1

Supervisor responsibility – 3

Violation of rules on handling 911 calls – 1

²⁴ 13% of closed cases were found Sustained in 2008, while 12% were Sustained in 2009.

²⁵ See chart on p. 21.

Failure to Use In-Car Video – 3

Hours Worked

Unauthorized absence from duty – 3

Abuse of sick leave – 3

Timekeeping - 1

Improper Search – 8

Insubordination – 3

Integrity related

Misuse of authority - 1

Integrity - 5

Honesty- 4

Improper business referrals – 1

Confidential communications – 6

Improper access to criminal records – 3

Professionalism

Professionalism policy – 1

Profanity - 13

Courtesy – 13

Failure to identify – 2

Secondary Employment

Failure to have secondary employment permit – 5

Failure to log onto radio – 2

Use of Force

Use of force – 3

Reporting force – 1

Use of Intoxicants in Department Facility or Vehicle – 2

Vehicle related

Emergency vehicle operation – 1

Failure to wear seatbelt – 1

Vehicle pursuit - 1

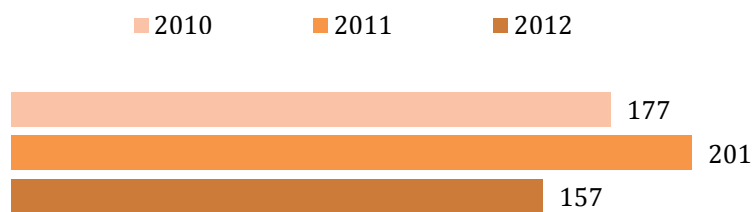
Follow-up from 2010 and Looking Forward – Classification and Findings

The 2010 Statistics Report noted changes to be made to OPA's classification and finding systems, following a joint recommendation made by the OPA Director, OPA Auditor and OPA Review Board. These changes took effect in January 2012. The changes were aimed at enhancing transparency by reducing the number of findings and clarifying the names and

definitions used in OPA’s classification and findings systems, so that the public and SPD employees more easily understand the process.

The Federal Court Monitor’s First Semiannual Report, published in April 2013, notes that the Monitoring Team has been reviewing closed OPA investigations. The Monitor notes that with few exceptions, “the investigations reviewed to date are professional, complete, and thorough.”²⁶ While he states that some might see things differently, “The investigative conclusions are, for the most part, reasonably supported by the evidence...”²⁷ While the Department of Justice, the Monitor, and all OPA Auditors have made similar comments concerning the quality of OPA investigations, there remains a sense of distrust in some parts of the community about OPA’s work. Ultimately, as pointed out by the Monitor, the Community Police Commission will need to decide whether to recommend a different investigative model for handling Seattle Police Department misconduct complaints.

Complaint Investigation Timelines Days from Complaint Receipt to Closure



Complaint Investigation Timelines

2011-2012 Complaint Investigation Processing Time

In 2010, the average investigative case processing time went up significantly, likely reflecting the increase in the number of complaints and allegations within complaints filed with OPA. The OPA Director set a goal of reducing the average processing time to at least the level seen in 2009, which was 159 days. While case-processing time continued to increase in 2011, it was reduced to an average of 157 days in 2012, with the Director ultimately meeting the goal that had been set.

As noted in the 2010 Statistics Report, the overall number of investigations closed and allegations involved were significantly higher than in previous years, and the trend continues into 2011 and 2012. As can be seen in the chart below, OPA is closing more cases than in earlier years, and the cases involve more named employees and/or multiple allegations against

²⁶ http://www.seattle.gov/police/compliance/docs/Monitor_First_Semiannual_Report_4-26-13.pdf

²⁷ Ibid.

individual or multiple officers. The number of allegations doubled between 2008 and 2012, reflecting OPA’s effort to identify the variety of policy infractions that can be implicated in a single case, whether or not raised by the complainant. This also means that any single case investigated is likely to be more complex, requiring more time and resources by OPA and, sometimes, multiple reviews by the Investigator’s supervisor and the OPA Director and Auditor.

OPA Case Closures	2008	2009	2010	2011	2012
Number of Complaints	144	198	183	200	195
Number of Allegations within Complaints	257	390	368	584	516

SMC 3.28.812 requires that explanations be filed with the Mayor and City Council, and be summarized in OPA reports, if the Director and Chief of Police disagree on the final disposition of a misconduct complaint or if no discipline results because an investigation time limit was exceeded. The 2011 and 2012 incidents related to this requirement, previously shared with the Mayor and City Council, are summarized below:

- In 2011, OPA completed a timely investigation into allegations of unnecessary use of force against two officers. The OPA-IS Captain recommended Sustained against Officer #2 and Exonerated (now called “Lawful and Proper”) for Officer #1. Following a discipline meeting, review of In-car Video, and consultation with the Training Section, an Assistant Chief determined that the use of force by Officer #1 was unnecessary and the allegation against him should be Sustained, while the complaint against Officer #2 should be Exonerated. When SPD Human Resources issued notice of the proposed Sustained finding and discipline, it incorrectly named Officer #2, based on OPA-IS’s original recommendation. By the time the error was discovered, the 180-day deadline to complete the investigation and provide notice to the employee had passed. The discipline Officer #1 would have received focused on training, and he still participated in retraining through a Supervisory Intervention (now called a “Training Referral”).
- In 2012, OPA Director Olson and Chief Diaz disagreed about the finding in a complaint involving a search. Officers responded to a suspicious circumstances call and the issue was whether the facts supported a nonconsensual, warrantless entry into a home. One officer entered the house, ensured there was no crime in progress and that the occupants were safe, and then immediately left. The OPA Director did not believe that the facts known to the officers supported the search, while the Chief found the officers’ actions were based on a good-faith belief that officer-safety concerns were involved. Ultimately, there was a finding for a Training Referral, though everyone agreed that if the officer had explained his actions to complainant at the time of the entry, it is likely no complaint would have been filed.

Follow-up from 2010 and Looking Ahead – Improving Complaint Investigation Turnaround

It is important to recognize that the hybrid investigative model used in OPA, involving both sworn and civilians at several different stages of the process, provides excellent checks and balances for quality control, but is time consuming and makes significant reductions in timelines difficult to achieve.²⁸ Typically, it takes three to four weeks for a case to go through the intake process, which includes interviewing the complainant, accessing readily available SPD reports, In-car video, photographs, etc., and gathering external evidence that might be perishable, such as security video. Once this information is collected, the OPA-IS Lieutenant reviews the complaint and makes a classification recommendation. Next, the civilian OPA Director and Auditor meet once a week to review completed intake packets and a final classification decision is made on each complaint. If a case is classified for Investigation, a goal is set to complete the investigative stage within 60-90 days, depending on the complexity of the issues and other demands on the Investigator's time, such as whether there is an Acting Sergeant handling intake or the duty falls to the Investigators. Thus, intake and investigation can easily take 90-120 days.

The OPA-IS Lieutenant assesses the investigation next and may require further work before the OPA Auditor and Director review the file. As has been noted in earlier reports, there is often a logjam at this stage because of the number of completed investigations coming to the Lieutenant for review. Though steps have been taken to address this problem, significant delays have resulted in some cases. A goal has been set to complete the Lieutenant's review within 30 days. The OPA Auditor review is usually done expeditiously, though if she has questions about the investigation, requests further investigation, or wants other changes, another week or more time may pass as she, the OPA Director and OPA-IS staff communicate about what is needed. Thus, review by the Lieutenant and OPA Auditor and Director can add at least 30 days to the 90-120 days that have already elapsed for intake and investigation, for a total of 120-150 days.

There is a goal for the OPA-IS Captain to review the case and write the Proposed Disposition Memorandum (PDM) within two weeks, and then the Line of Command has 10 days to comment on the recommended finding. If there is a Sustained recommendation, more time passes as the file is shared with everyone who will attend a discipline meeting to review the case. Proposed discipline notices are sent to the named employee and the *Loudermill* meeting usually is scheduled two weeks later, allowing the employee time to review the file and meet with the Chief of Police. Finally, the OPA Director prepares the Certification of Closure once the case is concluded. Again, this process can easily add another 20 to 40 days to the timeline.

OPA has taken a number of steps to manage its increased caseload, and successfully reduced the average investigation times in 2012.

²⁸ Police misconduct investigation agencies that rely on civilian investigators face their own timeline issues. For example, the San Francisco Office of Citizen Complaints (OCC) noted in its 2012 Annual Report that 52% of cases were closed within 180 days, while 26% took up to 270 days and another 20% of cases took up to 365 days to complete, with an average of 175 days. OCC reported a 6.13% Sustained rate in 2012, as compared to OPA's 12% Sustained and an average of 157 days to closure. <http://www.sfgov3.org/modules/showdocument.aspx?documentid=4516>.

- After training by the OPA Director on complaint analysis and investigative plans, Investigators are working out more explicit investigative strategies with the OPA-IS Lieutenant who supervises them. This helps focus the investigation while ensuring that all issues are addressed and all necessary evidence is gathered.
- In weekly staff meetings, Investigators discuss their cases to get input from others, including the OPA Director, particularly if they are dealing with a novel or complex issue.
- The OPA Auditor is reviewing completed investigations at an earlier stage, allowing more time if she or the Director believes more investigation is needed.
- Beginning in 2013, when the intake investigation conducted on a complaint appears to answer the allegations involved, the case is set for Expedited Review. Consideration is given as to any further investigation necessary, but with the goal of moving the complaint through investigative and review steps faster. The process has had mixed success so far, but will continue to be a goal for OPA.
- An outside expert facilitated a “Six Sigma” process analysis with the entire OPA staff to help the group articulate the many steps involved with complaint processing. This was only one step in assessing whether there are ways OPA might work more efficiently, but helped everyone appreciate the complexity of the work involved.

The new OPA Director will no doubt bring a fresh perspective to the question of how to process investigations more expeditiously, though in the long run, more personnel in OPA may be necessary to make a significant difference.

Final Discipline Actions

Discipline by Year	2010	2011	2012
Termination ²⁹	0	5 ▲	0 ▼
Suspension	5	18 ▲	21 ▲
Written Reprimand	9	19 ▲	15 ▼
Oral Reprimand	4	9 ▲	4 ▼
Transfer	0	4 ▲	2 ▼
Alternative Discipline ³⁰	5	21 ▲	2 ▼
Demotion	0	1 ▲	0 ▼
Total	23	77 ▲	44 ▼

Summary of Discipline in 2011-2012

The Chief of Police has final authority on all discipline matters, though the OPA Director and others advise him as he makes his decision. OPA also coordinates with SPD's Legal Advisor and the City Law Department to promote consistency in discipline for similar violations, to monitor the implementation of discipline, and to track discipline appeals.

Employees were disciplined for over three times as many instances of misconduct in 2011 as compared to 2010. Though the number dropped in 2012, it was still twice as high as seen in 2010. An oral reprimand is considered the least severe form of discipline and was imposed four times in both 2011 and 2012. The largest increase in the type of discipline meted out was with written reprimands and suspensions without pay. Termination (or resignation in lieu of termination) clearly is the most serious consequence for misconduct and occurred 5 times in 2011, though there were no terminations in 2012.

Follow-up from 2010 and Looking Ahead

While most Sustained findings are not appealed, some discipline decisions are overturned through the appeal process. The OPA Director noted in the 2010 Statistics Report that she planned to convene a panel at the 2011 NACOLE Conference to discuss how other agencies handle discipline decision-making and experiences with appeals. While there are a variety of

²⁹ This category includes employees who resigned in lieu of termination.

³⁰ Alternative discipline can include retraining, report writing, or other nontraditional approaches to behavioral change. In cases from 2011 and 2012, alternative discipline also included mandatory employee assistance, loss of an Extended Commission, and revocation of take-home car privileges.

approaches used in agencies represented by the panelists to determine discipline levels, there was shared dissatisfaction with the unpredictability of the appeal process. Whether appeals are heard by an arbitrator, board or commission, or otherwise, there appears to be a lack of uniformity in the standard of review and whether the matter will be heard de novo.

In an effort to continue educating employees and the community about the OPA investigation and discipline process, in 2011, the OPA Director began adding summary comments to the OPA Monthly Report on closed cases. With each report, the Director identifies a theme observed from the closed cases and discusses the issue in more detail. For example, because some people question whether police officers report misconduct by other officers, one report noted that a third of the cases closed during that period had resulted from internal complaint referrals and discussed the types of issues involved. Another monthly message discussed the problem of rudeness complaints and advocated the use of the LEED model in interacting with the public. As OPA gains more resources, finding more ways to communicate with the public and employees is necessary to continue to make the structure and process of OPA transparent.

OPA Mediation Program

OPA Cases and Mediation	2009	2010	2011	2012
Total cases selected for Mediation	31	78	83 ▲	36 ▼
Cases resolved through Mediation	11	27	15 ▼	24 ▲
Citizen declined Mediation	14	30	44 ▲	18 ▼
Employee declined Mediation	5	9	6 ▼	6 ■

Summary of Mediation

In 2010 and 2011, over twice as many complaints were selected for mediation as compared to any time since the beginning of the OPA Mediation Program in late 2005. The number of cases referred for mediation dropped in 2012. Though OPA continues to have limited resources available to manage the mediation program, there is not a clear explanation as to why the Director and OPA Auditor identified fewer cases for alternative dispute resolution in 2012.

Though fewer cases were referred for mediation in 2012, a much higher percentage of those selected resulted in resolution through mediation as compared to earlier years. It's possible that the process of identifying cases for mediation has become more refined, resulting in more success with those cases referred.³¹

Follow-up from 2010 and Looking Ahead

As noted in the 2010 Statistics Report and observed in 2011 and 2012, complainants are much more likely to decline mediation as compared to SPD employees. It was clear OPA needed a better understanding as to why citizens do not take advantage of mediation. The 2010 Report listed a number of steps the OPA Director was taking to generate ideas about how to make mediation a more viable option for complaint resolution, including asking for assistance from the OPA Review Board to survey complainants who declined mediation and seeking input from diverse community groups for suggestions on improving the program. In addition, two graduate students undertook a comprehensive survey of OPA's mediation program during 2012 and will be issuing a report with their observations later in 2013. As a preliminary matter, it is clear from the study that more resources will need to be devoted to the program if it is expected to grow. Also, while OPA uses civilian mediators outside of the Department, the most successful police complaint mediation programs also use civilians to administer the program, another idea to be considered as changes are contemplated.

³¹ Cases resolved through mediation include incidents where the matter was handled during the convening stage and where complainants withdraw their complaint or changed their mind about mediation after the employee agreed to the process.

Finally, OPA has been in discussions with King County Office of Law Enforcement Oversight Director Charles Gaither as he sets up OLEO's mediation program. The plan is to expand the pool of mediators available to both organizations and possibly look at combining resources to more efficiently process complaints referred for mediation. The new OPA Director will need to consider the final report recommendations from the graduate student study of OPA's mediation program and decide how to prioritize various options available in moving forward.

Policy and Training Recommendations

Regardless of the finding made in an OPA complaint, reviewing the facts involved sometimes provides ideas for clarifying SPD policy or improving training. OPA has issued previous policy reports and provides information about its policy/training recommendations in monthly reports, but has collected the full list from 2011 and 2012 below. Some recommendations were made jointly with the OPA Auditor, others came from the OPA-IS Captain or Lieutenant, while the Line of Command also made some suggestions during their review of an investigation.

In addition, in December 2011, the OPA Director published a "Review of In-Car Video Usage," documenting the variety of factors that impact whether officers record police incidents.³² Since that time, the Department has revised and clarified its ICV policy and is in the process of replacing all ICVs with a new system that will address problems identified in the 2011 report. A directive currently is being drafted to address other issues raised in the report, such as officers leaving their microphones in the patrol car and not audio recording events. Though a video/audio recording does not necessarily fully or accurately explain a police incident, ICV recordings can be very helpful in documenting and assessing the conduct of officers and members of the public involved in an incident. Every effort must be made to ensure ICV is being used appropriately and the Department should continue to explore body-worn cameras and other options that enhance accountability and transparency.

OPA has been coordinating with the OPA Auditor and SPD's Audit, Policy and Research (APR) Section to set up a tracking system for SPD to review recommendations and regular meetings to provide feedback to the Director and Auditor. This effort has been frustrated by the many demands placed on the Department the past two years, though appears to be back on track after some delay. Professional Standards Bureau Assistant Chief Mike Sanford is setting up quarterly meetings with the OPA Auditor and Director to monitor implementation of recommendations made and to facilitate communications with the APR and Training Sections, as needed. Implementation information regarding the recommendations noted here is provided through the OPA Auditor's reports and future OPA Director reports. Recommendations growing out of 2011 and 2012 investigations include:

³² http://www.seattle.gov/police/OPA/Docs/InCar_Video_12_23_2011.pdf

2011 Policy Recommendations/Reviews

<p>Recommend Directive be issued reminding all employees that accessing information through any criminal justice record system must be for legitimate law enforcement purposes</p>
<p>Recommend that the Department review and revise its policy regarding secondary work permits to require that an employee must obtain written approval prior to engaging in secondary employment. A directive should be issued reminding employees about all prohibited secondary employment, including ownership in a private security business. Roll call and other training on secondary employment policy issues raised by this complaint should be implemented.</p>
<p>Recommend Policy & Procedure Manual section 12.050 be reissued with a reminder that running one's own name through the criminal justice records systems is prohibited unless done so for legitimate law enforcement purposes.</p>
<p>Recommend review of the original 2006 contract with CSOPS, to ensure that contract terms are being met by the parties and to determine if revisions are necessary. Because of concerns about certain accounting practices, it is also vital that the Department clarify its role in managing or facilitating the movement of CSOPS funds. Finally, a clear policy is required to address questions about access to and dissemination of potentially confidential SPD information by CSOPS.</p>
<p>Recommend that an audit of the administrative operation of the Undercover School be conducted to ensure there is no real or apparent conflict of interest given the interests of those associated with the School.</p>
<p>Recommend that a written directive be published and reviewed at roll call regarding the handling of a prisoner's personal property for evidence or safe keeping.</p>
<p>Recommend the Department consider adopting a policy such as policy developed by IACP, "Officers shall not, under the color of authority, make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public." Another example provision directs that, "Officers shall not engage in any conduct or activities on or off-duty that reflect discredit on the officers, tend to bring this agency into disrepute, or impair its efficient and effective operation."</p>
<p>5.001-Professionalism-Reporting Misconduct – Recommend the Department review policy to clarify for employees actions that constitute "serious misconduct" that should be reported under this policy.</p>
<p>In-Car-Video – Recommend consistent training on ICV along with other issues in the larger ICV audit underway. Use of Force Policy – Recommend SPD clarify the role of the supervisor to investigate possible use of force aside from the situation when use of force is reported. Recommend develop protocol to clarify incident supervisory responsibilities.</p>
<p>Recommend that the Traffic Section institute a regular audit of DUI arrest screening procedures.</p>
<p>OPA Lt recommends that, where possible, an officer should screen with a sergeant all arrest attempts potentially involving non-consensual entry to private property. OPA Director concurs.</p>

Recommend that the Training Unit consider the feasibility of coordinating with the DV Unit to develop a video on primary investigative techniques that can be used for more immediate training.
In-Car-Video – Recommend that microphone charging issue be added to the audit of ICV.
D/Chief required that a directive be issued that officer should not be using DOC van that is not equipped with ICV.
Recommend that Directive be re-issued reminding all employees of their duty to report to their supervisor changes to their driver's license status pertaining to expiration, revocation and/or suspension, along with noting the other bases for which reporting is required.
Recommend that the FTO Unit require all FTOs be ICV trained given that Departmental policy requires use of the ICV system.
Recommend that Audit Unit review issue of Officers wearing a police uniform in non-police forms of identification, ie drivers license, this might create a potential appearance of impropriety
Recommend that department re-issue Directive reminding employees to report changes to their driver's license status

2012 Policy Recommendations/Reviews

As policy has been developed concerning the use of pepper spray, it is suggested that this incident be considered, to ensure any ambiguity is addressed. Further, the named employee is a Lieutenant who gave direction to subordinates about completing reports related to this event. Because he was involved in a use of force himself, his role in the supervision of the review process should have been limited to avoid any appearance of conflict. Whether a Sergeant should ever be reviewing the use of force by a commander is a matter that should be considered, if it hasn't already, in the development of SPD's new policy on use of force.
Recommend that the Department establish a system for electronically filing Police Traffic collision Reports (PTCR) and other reports currently generated in hard copy.
As the Department continues to consider policy changes, it is important that expectations for investigation, documentation and review be clarified when no reportable force is used but there is a complaint of unnecessary use of force.
SPD Policy does not provide sufficient detail as to how strip searches are to be conducted and employees are not trained on the techniques they should use. Recommend Professional Standards Unit and Training Unit to review current policy and training and to make changes as needed.
Recommend Professional Standards consider whether protocol should be refined to better help officer recognize when to call in CIT/MHP.
Recommend Training Unit consider issues raised by OPA Auditor concerning UOF review process.
The OPA Director has made recommendations previously that training on searches be emphasized by the Department, particularly given that the law in this area is continually evolving. It is strongly recommended that Street Skills training always devote time to these issues and that the Department provide multi-media training updates throughout the year as new law develops.

<p>Recommend Professionals Standards review Secondary Employment policy to consider when an employee works off-duty on a furlough day which is bracketed by work days that employee reported as sick time.</p>
<p>Recommend that command staff address tension between PEOs performing their duties when an SPD Officer or Detective is not legally parked in the midst of their own law enforcement duties.</p>
<p>Recommend that Professional Standards reissue the revised 16.040 policy, and that training be developed that can be provided throughout the Department on parental notification and documentation requirements when juveniles are arrested, and other aspects of the policy. Though not required in the new policy, Captain Dermody also urged that training advise that documentation of efforts to contact DSHS or other resources is recommended.</p>
<p>There have been previous complaints concerning employees' misunderstandings about SPD policy on the documentation required for domestic violence incidents. The Professional Standards Unit has been working to consolidate and rewrite DV policies and will ensure that there is sufficient guidance to officers about when to write a GO report in DV situations. Once the policy is reissued, consideration should be given as to how training can incorporate the revised policy into other report writing, investigation and/or DV specific training.</p>
<p>Recommend that the relationship between the Seattle Police Department and the Seattle Metropolitan Police Museum needs to be clarified. Capt. Dermody indicated that he will take the lead on following up to get direction as to whether this matter should be forwarded to the Ethics and Elections Commission, City Council, or some other body to address issues raised about the role of SPD in supporting the Police Museum.</p>
<p>Director asked D/Chief Metz to create a task force to include the HR Director and a representative from Professional Standards to develop a project plan that will address all secondary employment issues, including both sworn and civilian employees, highlighted by the OPA Director and Auditor, along with any other concerns the task force identifies.</p>
<p>OPA-IS Lt. Fitzgerald notes that there is no manual or formal procedure to guide officers in recognizing and responding to SPD boat engine problems. Recommend that the Harbor Patrol Unit work on developing written guidance, with input from the officers involved in the incident underlying this complaint.</p>
<p>No clear orders were given pertaining to protestors blocking guests' entrance to and exit from businesses. Though not addressed in an after action analysis of a protest event, Director will share the underlying issue with command staff working on demonstration management reform.</p>
<p>As the Department updates the Use of Force policy, consideration should be made as to whether the officer be allowed to view video prior to writing a statement to assist their memory and provide the most accurate account of the use of force incident. When a video is not available for viewing before the officer provides a statement, the Department should consider the merits of having the officer submit an amended use of force statement when a supplemental explanation would be appropriate.</p>
<p>While the policy of Secondary Employment undergoes revision, recommend the issue of requiring a secondary employment permit when employees work in an elected office outside the Department should be referred to Professional Standards for review.</p>

Recommend SPD policy be reviewed and revised as necessary to address the need for SPD documentation of use of force where another agency is primary on scene, the role of an SPD supervisor under such circumstances, and the circumstances when an SPD incident report is necessary because SPD has had significant involvement in an event handled by another agency, even if force is not used.

Conclusion

OPA is committed to supporting the Department's efforts to identify, investigate, counsel and discipline officers and civilian employees whose conduct undermines the high standards of integrity central to SPD's mission and demanded by the public. While the number of misconduct allegations doubled between 2008 and 2012, OPA searched for ways to improve case processing, both to ensure quality investigations and to reduce the time involved in resolving complaints. In the past two years, OPA has refined its system for identifying complaints that can more appropriately be handled by a supervisor and increased the number of Supervisor Actions, allowing for a much faster and more direct resolution of many concerns. This also allowed OPA Investigators to focus on the most serious misconduct allegations. In 2012, OPA was successful in bringing timelines down to levels not seen since 2009, while continuing to earn high praise for the increasingly more complex misconduct investigations being conducted.

I am grateful for the opportunity to have served as the OPA Director for the past six years and am immensely proud of the staff members who have worked with me during that time, committing themselves to providing police accountability to the Seattle community. I strongly believe that civilian oversight of misconduct investigations contributes to public trust in the Department, but also know that individual efforts of OPA employees, both sworn and civilian, are necessary to ensuring a fair, thorough and expeditious process. I am confident that OPA, under the leadership of incoming Director Pierce Murphy, will continue to provide high quality service to complainants and SPD employees, while working with the Monitoring Team and Community Police Commission as they consider the current OPA structure and ways to enhance accountability and transparency.

The OPA Director appreciates and wants to specially recognize the extensive contributions made by Administrative Staff Assistant Sonja Lalor in preparing this report.

2011 Sustained Allegations

<p>The complainant, whom the named officer had contacted during the Torchlight Parade for operating a vehicle suspected to be occupied by possible armed gang members, alleged the named officer, while off duty several days later, appeared at his place of employment and commented to the complainant's co-workers about the traffic stop and complainant's refusal to allow a consent search of his car.</p>	<p>Allegation and Finding: 1. Exercise of Discretion – Sustained</p> <p>The evidence demonstrated that the named officer did appear at the complainant's place of employment while off duty and did make gratuitous comments regarding the complainant's traffic stop and refusal to allow a consent search of his vehicle.</p> <p>Corrective action: Written reprimand</p>
<p>The complainant, whom the named officers had arrested at his apartment in Seattle for a domestic violence assault that had occurred shortly before, alleged that the named officers entered his apartment absent justification.</p>	<p>Allegation and Finding: Two named officers, same allegation and finding for each named officer: 1. Improper Search – Sustained</p> <p>The evidence demonstrated that while the named officers had sufficient probable cause – but no arrest warrant-- to arrest the complainant for a domestic violence assault, it also demonstrated that they should not have relied upon the apartment manager providing them a key to enter the complainant's apartment unit to arrest him after they had unsuccessfully knocked on the complainant's door, announced that they were police officers, and stated that they were there to arrest him for the domestic violence assault.</p> <p>Corrective action: Written reprimands for each named officer and re-training on the legal justification needed to enter a suspect's residence under the circumstances of this case.</p>
<p>It is alleged that the named officer engage in a vehicle pursuit of a suspected DUI driver and, in the course, lost control of his patrol car and damaged a flower bed of a private residence, then failed to properly report his actions.</p>	<p>Allegation and Finding: 1. Failing to Report a Vehicle Collision – Sustained 2. Vehicle Pursuits/Violation of Policy – Sustained</p> <p>The evidence demonstrated that the named officer engaged in a vehicle pursuit in violation of Department policy and that the named officer also violated Department policy when he crashed into the flower bed of a private residence and failed to properly report the collision.</p> <p>Corrective action: Allegation #1 – One-day suspension held in abeyance for 2 years, provided no similar misconduct during that time. Allegation #2 – Written reprimand regarding the responsibility to report vehicle collisions.</p>

<p>The complainant alleged that the named officer was rude and lacked authority to enter his residence while accompanying another person who had requested a police escort to accompany him to the complainant's residence to view a music speaker that the person had seen for sale on the Craig's List website and which the person thought had been stolen from him.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unjustified Search – Sustained 2. Professionalism/Courtesy – SUPERVISORY INTERVENTION <p>The evidence demonstrated that the named officer, though thinking that he had authority to enter the complainant's residence and acting in good faith, in fact lacked such authority. The evidence further demonstrated that the named officer spoke to the complainant in a manner unjustified by the circumstances and that the named officer was discourteous to the complainant.</p> <p>Corrective action: A written reprimand for the inappropriate search and a discussion between the named officer and the named officer's supervisor regarding the importance of prudent and restrained language when addressing people in emotional situations.</p>
<p>It is alleged that the named officer was absent from duty without justification on several occasions and that the named officer was insubordinate toward supervisors attempting to address his behavior.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unauthorized Absence from Duty – Sustained 2. Insubordination – Sustained <p>The evidence established that the named officer was absent from duty without justification and that he was insubordinate to supervisors attempting to address the situation.</p> <p>Corrective action: Termination from employment.</p>
<p>Named officer was arrested in another jurisdiction for suspicion of DUI. The named officer was off-duty and operating a private vehicle.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (DUI) – Sustained <p>The named officer, in a jury trial, was convicted of DUI. The evidence also supported a finding of sustained in the administrative case.</p> <p>Corrective action: 7-day suspension without pay; disciplinary transfer from the named officer's unit of assignment; and mandatory compliance with an Employee Assistance Program assessment.</p>

<p>Named officer, while working a uniformed patrol assignment, shot and killed a man whom the named officer stated he believed posed a serious threat to him.</p>	<p>Allegation and Finding: 1. Allegation #1: Administrative Violation of Law (Assault/Manslaughter) – NOT SUSTAINED Allegation #2: Unnecessary Use of Force – Sustained Allegation #3: Professionalism/Discretion – Sustained</p> <p>The evidence demonstrated that the named officer used unnecessary force and exercised poor discretion when contacting subject.</p> <p>Corrective Action: The named officer resigned from employment with the Seattle Police Department prior to the Chief of Police implementing final discipline, which would have been termination.</p>
<p>It was alleged that the named officer, while in another Washington city attending a bachelor party for his brother, intervened in the arrest of his brother, resulting in the named officer being arrested and released for disorderly conduct.</p>	<p>Allegation and Finding: 1. Administrative Violation of Law – Sustained 2. Misuse of Authority – Sustained</p> <p>The evidence demonstrated that the named officer was guilty of the administrative violation of law and misused his authority when he intervened on behalf of brother.</p> <p>Corrective Action: 10 day suspension without pay, write letter of apology to Chief of other law enforcement agency and officers who arrested him, mandatory participation in Employee Assistance Program.</p>
<p>An anonymous complainant alleged that the named Parking Enforcement Officer was permitting another city employee to receive free parking on city streets by “taking care” of any parking citations the employee may have received.</p>	<p>Allegation and Finding: 1. Integrity – Sustained</p> <p>The evidence demonstrated that the named Parking Enforcement Officer, while not voiding any parking citations issued to the city employee or any other person, did issue several Seattle Parking Courtesy Notices (a type of warning without penalty) to the city employee in violation of Department policy addressing integrity.</p> <p>Corrective Action: 10-day suspension with 7 of the 10 days held in abeyance for two years and imposition of the 7 days if the named Parking Enforcement Officer is found to have engaged in any additional misconduct during the specified time period of this closed investigation, along with any other discipline imposed for the subsequent misconduct.</p>

It was alleged that the named officers and supervisor failed to take appropriate action when responding to a domestic violence assault incident, specifically that they failed to comply with state law and Department policy regarding domestic violence incidents.

Allegation and Finding:

Named Sergeant #1:

1. Administrative Violation of Law (Domestic Violence Response) – UNFOUNDED
2. Violation of Rules/Regulations – SUPERVISORY INTERVENTION
3. Professionalism/Exercise of Discretion – **Sustained**
4. Professionalism/Responsibility of Supervisor – **Sustained**

Named Officer #2:

1. Administrative Violation of Law (Domestic Violence Response) –UNFOUNDED
2. Violation of Rules/Regulations -- SUPERVISORY INTERVENTION

Named Officer #3:

1. Administrative Violation of Law (Domestic Violence Response) –UNFOUNDED
2. Violation of Rules/Regulations -- SUPERVISORY INTERVENTION

Unknown Named Officer #4:

1. Violation of Rules/Regulations -- SUPERVISORY INTERVENTION
2. Professionalism/Responsibility of Supervisor – SUPERVISORY INTERVENTION

The evidence demonstrated that the named supervisor and officers failed to competently respond to the domestic violence incident and that their failure to comply with the applicable policies and procedures, and to exercise prudent discretion, unnecessarily complicated the Department's response to the situation, causing unnecessary distress to the victim of the domestic violence.

Corrective Action: Named Sergeant #1 received a written reprimand and he and the other officers received additional training regarding domestic violence investigations and arrests.

<p>During the OPA-IS investigation of another OPA complaint it was alleged that the named Parking Enforcement Officer (PEO) was parking his personal vehicle in a parking lot in which he had not paid to park or was authorized to park, had told another PEO, that he was parking there without payment or authorization, and that PEO then placed a Seattle Parking Courtesy Notice (a type of warning without penalty) on the named PEO's personal vehicle, which would likely give notice to other PEOs not to ticket that vehicle.</p>	<p>Allegation and Finding: Named PEO #1: 1. Integrity/Gratuities – Sustained Named PEO #2: 1. Integrity – Sustained</p> <p>The evidence demonstrated that PEO #1 issued the Seattle Parking Courtesy Notice to PEO #2's personal vehicle with the apparent intent of colluding with PEO #2 to allow PEO to park free in the parking lot.</p> <p>Corrective Action: Each named PEO received a 1-day suspension without pay.</p>
<p>The named officers saw a loud intoxicated male causing a disturbance in a downtown park. The complainant, seated on a nearby bench with family members, alleged that named officers were trying to intimidate her and her family members. Complainant states when she starting taking photographs of officers and demanding their names, named officers took enforcement action against another family member. Complainant alleged named officers were discourteous, exercised poor discretion and engaged in biased policing.</p>	<p>Allegation and Finding: Named Officer #1: 1. Biased Policing – UNFOUNDED 2. Discourtesy – SUPERVISORY INTERVENTION 3. Poor exercise of discretion – EXONERATED Named Officer #2: 1. Biased Policing – UNFOUNDED 2. Discourtesy – NOT SUSTAINED Named Officer #3: 1. Biased Policing – UNFOUNDED 2. Discourtesy – SUPERVISORY INTERVENTION Named Officer #4: 1. Biased Policing -- UNFOUNDED 2. Profanity -- Sustained 3. Citizen Observation of Officers – UNFOUNDED 4. Discourtesy – SUPERVISORY INTERVENTION</p> <p>The evidence demonstrated that named officer #4 used profanity. Corrective action: WRITTEN REPRIMAND Evidence also demonstrated that the officers' attempts to respond to the situation could have been perceived as discourteous. A supervisor will discuss the incident with Officer #1, 3 and 4.</p>

<p>The complainant, whom the named officers had stopped for a traffic violation, alleged that the named officers were rude to him and inappropriately disclosed private information about his traffic violations to his employer.</p>	<p>Allegation and Finding: Named officer #1: 1. Communication of Confidential Information – Sustained 2. Professionalism - Discourtesy – SUPERVISORY INTERVENTION Named officer #2: 1. Communication of Confidential Information – Sustained</p> <p>The evidence demonstrated that named officer #1 should not have ended the traffic stop by leaving the complainant's license and other documents on the roof of his car and walking away. The evidence also demonstrated that the named officers lacked a valid purpose in approaching the complainant's employer to disclose to the employer information unrelated to the complainant's employment.</p> <p>Corrective Action: Named officer #1 – written reprimand. Named officer #2 – verbal reprimand.</p>
<p>Complainant, whom the named officer, while working secondary employment as security in a retail business, contacted after the complainant was pointed out by store security as a suspicious person, alleged that the named officer harassed and insulted him. OPA-IS added an allegation for failure to possess a secondary employment permit.</p>	<p>Allegation and Finding: 1. Professionalism - Discourtesy – NOT SUSTAINED 2. Lack of Secondary Employment Permit – Sustained</p> <p>The evidence demonstrated that store security had notified the named officer that the complainant was acting suspiciously in the shoe department and that the named officer contacted the complainant to chat with him. The evidence demonstrated that the named officer acted reasonably and respectfully toward the complainant. The complainant states that he felt the named officer was harassing him. The evidence does not permit a finding one way or the other.</p> <p>The evidence demonstrated that the named officer lacked a secondary employment permit.</p> <p>Corrective Action: Written reprimand</p>

<p>Complainant, a defense attorney for one of two individuals who had been in a vehicle stopped by the named officers for reckless driving, after viewing an in-car video tape of the stop, heard language and saw conduct that she believed demonstrated that the named officers during the stop used inappropriate language, unnecessary force, and improperly searched the interior of the vehicle.</p>	<p>Allegation and Finding: Named officer #1: 1. Professionalism - Profanity – UNFOUNDED 2. Improper Search – SUPERVISORY INTERVENTION Named officer #2: 1. Professionalism - Profanity – Sustained 2. Improper Search – SUPERVISORY INTERVENTION Named officer #3: 1. Professionalism - Profanity – Sustained 2. Improper Search – SUPERVISORY INTERVENTION 3. Unnecessary Use of Force -- EXONERATED Named officer #4: 1. Professionalism - Profanity – Sustained 2. Improper Search – SUPERVISORY INTERVENTION</p> <p>The evidence, including in-car video, demonstrated that named officers #2, #3, and #4 used inappropriate language. The evidence also demonstrated that the named officers were likely uncertain about their legal justification for frisking/searching the vehicle that they had stopped, as they offered varying explanations for their effort and the supporting reports lacked clear articulation of the basis for their search. Regarding the allegation of unnecessary use of force by named officer #3, the evidence demonstrated that named officer #3 used minimal, reasonable, and necessary force to control a resistive and uncooperative driver.</p> <p>Corrective Action: Named officer #2 – 20 day suspension without pay and disciplinary transfer from unit of assignment Named officer #3:--15-day suspension without pay Named officer #4 – 20-day suspension without pay and transfer from unit of assignment</p>
<p>It is alleged, after a finding of a preventable collision by the traffic collision review board, that named officer was operating his patrol car at an unsafe speed without wearing his seat belt.</p>	<p>Allegation and Finding: 1. Emergency Vehicle Operation – Sustained 2. Failure to Wear Seat Belt – Sustained</p> <p>The evidence demonstrated that named officer was operating his patrol car at speed too high for conditions and that he was not wearing his seatbelt. Corrective action: 5-day suspension without pay</p>

<p>Complainant alleged that named officer, who was flagging traffic at a construction site, without justification, forcefully pushed him into a nearby truck and made disparaging remarks to him as he attempted to cross the road. Complainant alleged named officer refused to identify himself when asked. OPA subsequently added allegations that named officer lacked a secondary employment permit and failed to log in over police radio.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Use of Force -- UNFOUNDED 2. Reporting the Use of Force -- UNFOUNDED 3. Professionalism – Duty to Identify – Sustained 4. Secondary Employment - Radio Responsibilities: Sustained 5. Secondary Employment - Permits – SUPERVISORY INTERVENTION 6. Courtesy – Sustained <p>The evidence demonstrated that the named officer did not use the alleged force but failed to identify himself when requested, lacked a secondary employment permit for this job, failed to log in over radio and was discourteous toward complainant. Corrective action: Written Reprimand and retraining regarding duty to identify, secondary employment procedures and professional conduct.</p>
<p>Complainant alleged that the named employee, a civilian employee of the Department, provided false or altered evidence during both an investigation being conducted by another city department and an internal investigation being conducted by the Office of Professional Accountability.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Integrity – Sustained 2. Honesty – Sustained <p>The evidence demonstrated that the named employee provided false or altered evidence to both the city department investigating his conduct and to the Office of Professional Accountability conducting its investigation.</p> <p>Corrective action: The Chief of Police proposed a disciplinary action of termination however, the named employee resigned from employment prior to the Chief of Police imposing final discipline.</p>
<p>The following three cases involve the same named retired employee:</p> <p>Complainant alleged the named retired officer working as a traffic flagger at a construction site, was rude, used inappropriate language, and failed to identify himself when he contacted her as she momentarily stopped her car to drop off a passenger.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Lack of Courtesy – Sustained 2. Use of Profanity – Sustained 3. Failure to Identify – Sustained <p>The evidence demonstrated that the named officer was discourteous, used profanity, and failed to identify himself.</p> <p>Corrective action: Revocation of the named officer’s retired officer’s extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p>
<p>Complainant alleged named officer was discourteous to his two children when he made contact with them while working a traffic post.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Lack of Courtesy – Sustained <p>Corrective action: Revocation of the named officer’s retired officer’s extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p>

<p>Third party complainant alleged that named officer was observed speaking discourteously toward a jaywalker and used force to push the jaywalker out of the street and back onto the sidewalk.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Sustained 2. Lack of Courtesy – Not Sustained <p>The evidence established that the named officer used unnecessary force when he pushed jaywalker back onto the sidewalk. The allegation of lack of courtesy was neither proved nor disproved by a preponderance of the evidence.</p> <p>Corrective action: Revocation of the named officer’s retired officer’s extended commission with accompanying loss of the privilege to perform any law enforcement function as a representative of the Seattle Police Department.</p>
<p>Complainants, whom the named officers had been dispatched to evict from their hotel room, alleged that the named officers were sarcastic, rude, misidentified themselves, and misplaced some personal property of theirs.</p>	<p>Allegation and Finding:</p> <p>Named officer #1:</p> <ol style="list-style-type: none"> 1. Mishandling Property – Exonerated 2. Lack of Courtesy – Supervisory Intervention <p>Named officer #2:</p> <ol style="list-style-type: none"> 1. Mishandling Property – Exonerated 2. Lack of Courtesy – Supervisory Intervention 3. Honesty – Supervisory Intervention 4. Failure to Identify – Sustained <p>The evidence demonstrated that the named officers were rude to the complainants and that named officer #2, when asked for his name by the complainants, sarcastically pointed to the name tag on his uniform (which was his true name) and stated his name was other than what his name tag noted. The evidence demonstrated that the named officers did not mishandle the complainant’s personal property. Note: the honesty allegation derives from named officer #2 sarcastically not providing his true name when asked and nothing more.</p> <p>Corrective action: Verbal reprimand.</p>
<p>Complainant, who was in a crowd of about 100 people crossing the street after a large sporting event at a stadium, alleged that the named officer used inappropriate language toward him, used unnecessary force against him by tugging on his arm to pull him from traffic, and failed to identify himself when the complainant asked him for his name.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Unfounded 2. Failure to Identify – Exonerated 3. Use of Profanity – Sustained <p>The evidence demonstrated that the named officer adequately identified himself and did not use unnecessary force against the complainant, but did use a pejorative word to refer to the complainant.</p> <p>Corrective Action: Oral reprimand</p>

<p>Named officer was arrested for DUI in a neighboring jurisdiction and it was alleged that the named officer also had consumed an alcoholic beverage while in a police facility and had been absent from work without authorization.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (DUI) – Sustained 2. Use of Intoxicants in a Department Facility – Sustained 3. Absent from Duty without Authorization – Exonerated <p>The evidence demonstrated that the named officer had consumed an alcoholic beverage in a police facility and was driving while under the influence of intoxicants but was not absent from work without authorization.</p> <p>Corrective Action: (a) five-day suspension without pay; 2 days held in abeyance for two years (future sustained complainant for same or similar conduct will result in imposition of the 2 days held in abeyance and further discipline, up to and including termination from employment), (b) mandatory completion of the Employee Assistance Program for Alcohol Assessment, and (c) successful completion of all imposed penalties from the DUI conviction.</p>
<p>It was alleged that the named employee had misused a disabled parking placard in violation of the terms of its use.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law (Misuse of Disabled Parking Placard) – Sustained <p>The evidence demonstrated that the named employee had used her husband’s legitimately obtained disabled parking placard for a purpose other than that for which it was intended.</p> <p>Corrective Action: Written reprimand admonishing the named employee to avoid future inappropriate use of the disabled parking placard and to confine its use exclusively for the needs of her husband.</p>
<p>It was alleged that named officer accessed Department databases without legitimate justification and disclosed information obtained to an unauthorized person.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Disclosing Confidential Information – Sustained <p>The evidence demonstrated that named officer accessed and posted in his residence photographs that he obtained from Department databases absent a legitimate law enforcement purpose.</p> <p>Corrective Action: Written reprimand.</p>

<p>The complainant, the estranged spouse of named officer, alleged that the named officer violated the terms of a mutual Temporary Restraining Order (TRO) issued in the course of a pending marriage dissolution proceeding. OPA, during the investigation of this allegation, added allegations for failing to report being the subject of a TRO and accessing the WCIC/NCIC databases without legitimate justification.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Violation of a TRO) – Unfounded 2. Failing to Report being the Subject of a TRO – Exonerated 3. Misusing Access to Criminal Records Systems – Sustained <p>The evidence demonstrated that named officer did not violate the provisions of the TRO and had adequately met the reporting provisions of Department policy. The evidence did demonstrate that the officer violated database access provisions when he ran his own name through the Criminal Records System for personal reasons.</p> <p>Corrective Action: Verbal reprimand.</p> <p>The OPA Director recommended that the Department reissue policy 12.050-Criminal Records, with a reminder that running one’s own name through the criminal justice records system is prohibited unless done so for legitimate law enforcement purposes.</p>
<p>Named officer was arrested for DUI while off-duty and driving a private vehicle in a jurisdiction outside the City of Seattle. That jurisdiction investigated the matter and named officer pleaded guilty to the crime of Reckless Endangerment. An issue arose regarding whether the officer failed to notify the Department about an arrest warrant that had been issued for him because he had missed a pre-trial hearing.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Reckless Driving) – Sustained 2. Failure to Report/Complainant Process – Exonerated <p>The evidence demonstrated that named officer engaged in criminal conduct constituting the crime of Reckless Endangerment. While he was arrested for DUI, he pleaded guilty to Reckless Endangerment.</p> <p>Regarding the allegation of failing to report the existence of a warrant for his arrest, the evidence demonstrated that the arrest warrant resulted from an administrative oversight.</p> <p>Corrective Action: Five-day suspension without pay, two days held in abeyance; additional alcohol-related misconduct in violation of Department policy will result in the imposition of the two days held in abeyance and further discipline, up to and including termination from employment; mandatory referral to the Employee Assistance Program for alcohol assessment and compliance with any recommended treatment program.</p>

<p>The complainant, the victim of a sexual assault, alleged that the named officer, who responded to investigate the crime, later contacted her both in person and electronically for personal reasons. The complainant also alleged that named officer sounded intoxicated during one phone call.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Integrity/Conflict of Interest – Sustained 2. Alcohol/Substance Abuse – Unfounded <p>The evidence demonstrated that named officer improperly contacted the complainant, both in person and electronically, for reasons not directly related to his professional role but for personal reasons and that these contacts caused the complainant to feel “awkward.” The evidence demonstrated that the phone call from named officer to the complainant, during which the complainant suspected that named officer may have been intoxicated, occurred during a time when named officer was not on-duty.</p> <p>Corrective Action: Written reprimand.</p>
<p>It was alleged that named Sergeant engaged in multiple acts of misconduct while assigned as a supervisor in the Department’s Traffic Enforcement Section.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Dishonesty – Sustained 2. Insubordination – Sustained 3. Failure to Supervise – Sustained 4. Absence from Work without Authorization – Sustained 5. Abuse of Illness & Injury Time – Sustained 6. Improper Use of Medication/Substances while On-Duty – Sustained <p>The evidence demonstrated that named Sergeant had engaged in multiple and extended acts of misconduct as alleged.</p> <p>Corrective Action: Named Sergeant was demoted and terminated from employment. Named Sergeant resigned before the final discipline from the Chief could be imposed.</p>
<p>Complainant alleged that the named probationary officer criminally damaged his motorcycle that was parked in a condominium garage.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Malicious Mischief)—Sustained <p>The evidence demonstrated that the named officer engaged in conduct that constitutes the crime of Malicious Mischief 2nd degree.</p> <p>Corrective Action: Termination – Named employee resigned prior to the Chief imposing final discipline.</p>

Complainant alleged that the named officer was operating a secondary employment business not allowed by Department policy, i.e., a security business, and engaged in several acts of misconduct associated with the business.

Allegation and Finding:

1. Conflict of Interest – Not Sustained
2. Misuse of Authority – Not Sustained
3. Prohibited Employment – Supervisory Intervention
4. Dishonesty – Unfounded
5. Secondary Employment Permit – **Sustained**

The evidence was inconclusive regarding whether named officer used his official position to promote his business or engaged in practices that constituted a conflict with his primary employment with the Department. The evidence demonstrated that named officer was engaged in secondary employment prohibited by Department policy but that enforcing compliance with the policy by the Department has not been consistent, therefore resulting in a finding of Supervisory Intervention rather than a Sustained finding. The evidence did demonstrate that named officer violated the Department's secondary employment permit policy.

Corrective Action: Verbal reprimand regarding policy prohibiting secondary employment in a security business.

The OPA Director recommends that the Department review and revise its policy regarding secondary work permits to require that an employee must obtain written approval prior to engaging in secondary employment. A directive should be issued reminding employees about all prohibited secondary employment, including ownership in a private security business. Any current permits covering secondary employment with named officer's security business should be revoked.

<p>Complainants, who arrived home to find an unwanted person inside, alleged that the named officers, who had been dispatched by 911 to investigate the situation, mishandled their investigation of the matter by releasing the suspect to take a bus home and not booking the suspect into jail or committing him to a hospital for a mental health evaluation.</p>	<p>Allegation and Finding: Two named officers. Same allegation and finding for each named officer:</p> <ol style="list-style-type: none"> 1. Poor Exercise of Discretion – Sustained <p>The evidence demonstrated that the decision of the named officers to not book the suspect into jail or commit him for a mental health evaluation, but to allow him to take a bus home, after having done considerable property damage to the complainant’s apartment unit, was less than prudent under the circumstances.</p> <p>Corrective Action: For named officer #1 (a supervisor), a 2-day suspension without pay, 1 day held in abeyance for one year; training and counseling regarding appropriately responding to such incidents; and a letter of apology to the complainants. For named officer #2, training and counseling regarding appropriately responding to such incidents and a letter of apology to the complainants.</p>
<p>The named officer was working secondary employment as a security guard at a store when the complainant attempted to use a credit card for a purchase which was denied. The complainant demanded that the named officer take a statement from her to document her assertion that someone must have stolen her credit card information or identity, resulting in the denial of the card. When the named officer declined to take the requested statement, the complainant then alleged that the named officer used derogatory language toward her. OPA-IS, while investigating the complainant, discovered that the named officer may not have possessed a secondary employment permit for the security job that he was working.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Derogatory Language – Unfounded 2. Failure to Take a Report – Exonerated 3. Failure to Possess a Secondary Employment Permit – Sustained <p>The evidence demonstrated that the named officer was correct in not taking a statement from the complainant because there was no evidence that the denial of the complainant’s attempted use of the credit card had to do with criminal activity or lost property. The evidence also demonstrated that it was only after the named officer explained that he was not going to take a statement from the complainant that she then accused him of using derogatory language toward her and that the allegation appeared more motivated by a desire to retaliate against the named officer for his refusal to take a report than to seek redress for actual misconduct. The evidence demonstrated that the named officer did not possess a secondary employment permit for the off-duty job that he was working.</p> <p>Corrective Action: Verbal reprimand.</p>

<p>The complainant, who had called 911 to report found property, alleged that named officer, who was dispatched to assist, was discourteous. OPA added an allegation that the named officer may not have used his in-car video system as required by Department policy.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Sustained 2. Failure to Use In-car Video System – Supervisory Intervention <p>The evidence demonstrated that the named officer was rude when dealing with the complainant, conveying disinterest in addressing complainant’s concerns, and disregarded the effort of the captain in his chain of supervision to address the matter less formally. The evidence demonstrated that the named officer had been trained on an earlier version of the in-car video but had not sought training on a newer version and that it appeared he had not sought the training so that he would not be able to use the newer system.</p> <p>Corrective Action: Written reprimand and training on in-car video.</p>
<p>It is alleged that named officer, in the course of responding to and investigating a domestic violence situation, legitimately accessed the WACIC/NCIC systems and obtained information regarding the suspect, but then shared some of this information with the victim of the domestic violence incident, who was not an authorized recipient of the information.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Improper Dissemination of Criminal History Record Information – Sustained <p>The evidence demonstrated that while named officer accessed the WACIC/NCIC databases for a legitimate law enforcement purpose, he violated access policy by sharing, though in good faith, with the victim of the domestic violence, some of the information that he obtained and which access policy does not authorize to be shared with a non-law enforcement person.</p> <p>Corrective Action: Verbal reprimand.</p>
<p>The complainant, whom named officers were booking into the jail for an outstanding arrest warrant, alleged the named officers mishandled property in his possession and that named officer #1 used derogatory language toward him. OPA added an allegation against named officer #2 for suspected failure to use the in-car video system.</p>	<p>Allegation and Finding:</p> <p>Named officer #1:</p> <ol style="list-style-type: none"> 1. Mishandling Property/Evidence – Exonerated 2. Use of Derogatory Language – Unfounded <p>Named officer #2:</p> <ol style="list-style-type: none"> 1. Mishandling Property/Evidence – Sustained 2. Use of the In-car Video System – Not Sustained <p>The evidence demonstrated that named officer #2 did not submit property of the complainant’s into the Evidence Section in a timely manner.</p> <p>The evidence demonstrated that named officer #1 was not involved in the property oversight and did not use derogatory language, as alleged. The evidence was inconclusive regarding the failure to use the in-car video system.</p> <p>Corrective Action for named Officer #2: One-day suspension without pay.</p>

<p>The complainant, whom the named officers were investigating for possible involvement in an assault, alleged that the named officers improperly searched the trunk of his car. OPA added an allegation that 2 named officers failed to use their in-car video systems in violation of Department policy.</p>	<p>Allegation and Finding: Named Officer #1 1. Improper Search – Sustained 2. Failure to Use In-Car Video – Supervisory Intervention Named Officer #2 1. Improper Search – Sustained Named Officer #3 1. Improper Search – Sustained 2. Failure to Use In-Car Video – Supervisory Intervention</p> <p>The evidence demonstrated that named officers lacked justification to search the trunk of the complainant's car. The evidence demonstrated that named officer #1 & #3 failed to utilize their in-car video systems, which could have provided material evidence regarding the allegations under investigation.</p> <p>Corrective Action: Written reprimand and remedial training on search and seizure procedures.</p>
<p>Complainant, the ex paramour of named employee, alleged that the named employee conveyed information to her about a former boyfriend of hers that was obtained by improperly accessing criminal information databases for a non-law enforcement purpose.</p>	<p>Allegation and Finding: 1. Criminal Records Access—Sustained 2. Communication and Confidentiality—Sustained</p> <p>The evidence, including the admission of the named employee, demonstrates that the named employee improperly accessed criminal history databases to check the name of a former boyfriend of complainant and divulged that information to the complainant.</p> <p>Corrective Action: 2-days suspension without pay.</p> <p>OPA, along with D/C Nick Metz, recommended that a directive be issued reminding all employees that accessing information through any criminal justice record system must be for legitimate law enforcement purposes, that employees shall not discuss or provide criminal history record information to any person who is not a member of the criminal justice system, and that inappropriate use of dissemination of such information can result in Departmental discipline and penalties under Federal and State law, including criminal sanctions. A Departmental Directive was issued on December 6, 2011, reminding employees of their obligations with regards to criminal justice records systems.</p>

2012 Sustained Allegations

<p>The complainant, a Department supervisor, alleged that the named employee, a civilian, operated a privately owned vehicle while her driver's license was suspended, misused sick leave, was absent from duty without authorization, and was insubordinate to a supervisor.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Administrative Violation of Law (Driving while License Suspended) – Sustained 2. Insubordination – Sustained 3. Unauthorized Absence from Duty – Sustained 4. Misuse of Sick Leave – Sustained <p>The evidence demonstrated that the named employee engaged in the misconduct alleged.</p> <p>Corrective Action: Twenty-day suspension without pay.</p>
<p>The complainant, whom the named officer encountered while working secondary employment as a flagger at a construction site, alleged that the named officer was rude, used profanity, and unnecessarily pinned the complainant between an open car door and the body of the complainant's vehicle as the named officer was directing the complainant to move his vehicle from an area within the construction zone.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force – Inconclusive 2. Rudeness – Sustained 3. Use of Profanity – Sustained <p>The evidence was insufficient to determine whether the named officer used unnecessary force against the complainant. The evidence demonstrated that the named officer was rude and used profanity toward the complainant.</p> <p>Corrective Action: Ninety-day suspension of all secondary employment permits.</p>
<p>The complainant, a Department supervisor, alleged that named employee #1, while off-duty, contacted named employee #2, who was on-duty, and asked her to access a confidential Department database to obtain information regarding a family member for a non-law enforcement purpose.</p>	<p>Two named employees, same allegation and finding for each:</p> <ol style="list-style-type: none"> 1. Inappropriate Access of a Department Database – Sustained <p>The evidence demonstrated that named employee #1 asked named employee #2 to access the ACCESS/WACIC database for a personal reason and not for a law enforcement purpose, which named employee #2 did.</p> <p>Corrective Action: Named employee #1 – Verbal Reprimand. Named employee #2 – One day suspension without pay.</p>
<p>The complainant, a Department supervisor, alleged that the named officer had failed to properly submit for processing approximately 29 traffic citations that he had issued.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Failing to Properly Process Traffic Citations – Sustained <p>The evidence demonstrated that the named officer failed to submit the court copies of about 29 traffic citations that he had issued.</p> <p>Corrective Action: Three-day suspension without pay and removal from status as a Field Training Officer for one year.</p>

<p>The complainant, a Department supervisor, alleged that the named sergeant misrepresented facts to a co-worker regarding what another supervisor had told her about a Labor and Industry injury claim that the co-worker had submitted and that the same supervisor was “out to get her.” This misrepresentation of facts caused the co-worker to initiate a groundless EEO complaint against that supervisor based upon the misrepresentations made to her by the named sergeant.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Compromising Confidential Information Entrusted to a Supervisor – Sustained 2. Failing to Meet Supervisory Responsibility Regarding Work Place Harassment – Sustained <p>The evidence demonstrated that the named sergeant had revealed confidential information inappropriately and that she had failed to meet her supervisory responsibility regarding addressing work place harassment.</p> <p>Corrective Action: Twelve-day suspension without pay and a disciplinary transfer to a different work assignment.</p>
<p>The complainant, who attempted to report to the named sergeant what she believed to be excessive force having been used against her boyfriend by arresting officers, alleged that the named sergeant was rude, failed to communicate with her, failed to identify himself, and, in general, acted unprofessionally.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Discourtesy – Sustained 2. Failure to Meet Supervisory Responsibility – Training Referral 3. Failure to Comply with Complainant Process – Inconclusive 4. Failure to Identify Self – Inconclusive <p>The evidence demonstrated that the named sergeant was rude and failed to meet his supervisory responsibility. The evidence was insufficient to make a determination whether the named sergeant failed to comply with Department policy regarding the complaint process and identifying oneself to the public.</p> <p>Corrective Action: Three-day suspension held in abeyance for two years, with the suspension being imposed if the named sergeant engages in the same or similar behavior within the two-year period, and counseling by the named sergeant’s captain regarding expectations of supervisory performance.</p>
<p>Complainant, a Department supervisor, alleged that named employee was arrested for DUI by an outside agency and possibly failed to report it to his immediate supervisor.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative – DUI—Sustained 2. Complaint Process/Report Requirements—Sustained <p>The evidence showed that named employee was arrested for DUI and failed to report the arrest to his supervisor per Department policy.</p> <p>Corrective Action: 3-days suspension without pay; written reprimand</p>

<p>Complainant, a supervisor in the Department, alleged that named employee, a 911 Dispatcher, made several policy violations regarding the handling of several 911 calls.</p>	<p>Allegation and Finding: 1. Violation of Rules/Regulations – Sustained</p> <p>The evidence showed that the named employee did not use proper procedures in handling several 911 calls. The named employee also admitted that the calls could have been handled more effectively.</p> <p>Corrective Action: 1 day suspension without pay</p>
<p>Complainant, a supervisor in the Department, alleged that named officer was arrested for DUI by an outside law enforcement agency.</p>	<p>Allegation and Finding: 1. Violation of Law-Administrative-DUI– Sustained</p> <p>The evidence showed that the named officer was arrested for DUI.</p> <p>Corrective action: 5-days suspension without pay, 2 of those days will be held in abeyance; any additional or similar related driving incidents where a Department Policy is violated will result in the imposition of the 2 days held in abeyance and discipline up to and including termination of employment; mandatory referral to Employee Assistance Program; revocation of take-home Department vehicle for 2 years.</p>
<p>Complainant, who was involved in a vehicle collision, alleged that named officer completed a traffic collision report using information that was obtained from only one of the parties of the accident and that the information was inaccurate. The complainant also alleged that named employee failed to submit the traffic collision report in a timely manner and that it was submitted without proper supervisory approval.</p>	<p>Allegation and Finding: 1. Ops Bureau Individual Responsibility, Employee Conduct – Sustained 2. Primary Investigations, Rules & Regulations— Sustained</p> <p>The evidence demonstrated that the named officer completed a traffic collision report using information that he should have known was insufficient for competently completing the report and reaching the conclusion that he did as to assessing fault for the collision. The evidence also demonstrated that the named officer failed to submit the report in a timely manner and to have it properly reviewed and approved by a supervisor.</p> <p>Corrective action: Written reprimand</p>

<p>Complainant alleged that named employee, a 911 dispatcher, failed to take appropriate action when she called 911 to ask for assistance after her boyfriend called her to say he was being robbed.</p>	<p>Allegation and Fining: 1. Failure to Take Appropriate Action– Sustained</p> <p>The evidence demonstrated that the named employee failed to properly identify the 911 call as a priority and follow procedure as an in-progress incident involving deadly weapon.</p> <p>Corrective action: 1-day suspension without pay; write letter of acknowledgement to caller</p>
<p>The complainant, a supervisor in the Department, alleged that named civilian employee, during the course of a background investigation being conducted by the Department's Human Resource Unit as part of the named employee's testing for the position of police officer within the Department, revealed that he engaged in activity that would constitute the crime of Computer Trespass.</p>	<p>Allegation and Finding: 1. Violation of Law-Administrative – Computer Trespass – Sustained</p> <p>The evidence, including the admissions to representatives of the Department's Human Resources Section, showed that named employee did engage in the crime of Computer Trespass. The Department's Fraud, Forgery and Financial Exploitation Unit conducted a criminal investigation of alleged criminal conducting and concluded the named employee had not used any Department computer systems for this conduct and there was insufficient evidence to seek criminal charge. A neighboring jurisdiction was given this information and they declined to conduct a criminal investigation.</p> <p>Corrective action: 15-day suspension without pay; terms of Last Chance Agreement</p>
<p>The complainant alleged that named officer, while working off duty at a construction site, was rude to him when he became confused about a street closure. It is also alleged that the named employee failed to obtain an approved secondary employment permit and did not log into or out of service on the police radio as required by Department policy.</p>	<p>Allegation and Finding: 1. Failure to Possess Secondary Employment Permit – Sustained 2. Failure to Log-in Over Radio for Secondary Employment – Sustained 3. Discourtesy/Rudeness – Inconclusive</p> <p>The evidence demonstrated that named employee did not possess a Secondary Employment Permit and he did not log-in over the radio for secondary employment per Department policy. Regarding the allegation of Discourtesy/Rudeness, the evidence which included a third party witness, appeared to show that the named employee was professional and calm during his interaction with complainant, but overall, the evidence was inconclusive regarding whether the named officer was rude.</p> <p>Corrective action: Written reprimand</p>

<p>The complainant, a third party, emailed a photograph of the named officer standing next to a woman in public, looking at a cell phone in one hand and “flipping off” (extending his middle finger) to no one in particular. The complainant alleged this photograph was taken sometime in 2008. The complainant states an unknown person gave him the photograph and told him that named officer was giving an unknown woman the “flipping off” gesture in response to her having asked him to pose with her for a picture. The complainant also alleged that named officer was using a non-Department issued Smart phone camera to take photographs of “street kids” with the intention to intimidate them.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Use of Profanity – Sustained 2. Photographing Juveniles – Training Referral <p>The named employee admitted to the hand gesture which the photograph memorialized. Regarding the allegation of photographing juveniles, the named officer admitted he sometimes takes photos of citizens in order to disperse a crowd, but there was no evidence that he intentionally took pictures of minors. The named employee will benefit by reviewing with his supervisor the specific policy related to Photographing Juveniles, and also covering in detail 7.030, the Department’s policy on Photographic Imaging, along with the Directive concerning the inappropriate use of a personal cell phone to capture and/or share images related to law enforcement efforts.</p> <p>Corrective action: Since the Collective Bargaining Agreement prohibits the imposition of discipline for complaints made to the Office of Professional Accountability more than three years after the date of the incident; no disciplinary action will be taken on the Sustained finding of Use of Profanity.</p>
<p>The complainant, a nurse employed at the King County Jail, alleged that named employee berated and shouted at her and fellow nurses when she rejected a prisoner for booking for medical reasons.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy – Sustained <p>The evidence, including the named employee’s admission, showed that named officer became frustrated when the prisoner was rejected into the King County Jail and with the poor radio communications at the jail when he tried to relay the rejection information to a dispatcher or supervisor.</p> <p>Corrective action: Written reprimand; letter of apology to be approved by the Captain</p>

<p>The complainant, a passenger in the car whom the named officer stopped, alleged that the named officer was rude and unprofessional while conducting the traffic stop. OPA-IS added an allegation of Failure to Use In-Car Video System.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Discourtesy/Rudeness – Sustained 2. Failure to Use In-Car Video System – Training Referral <p>The evidence demonstrated that the named officer was unprofessional when interacting with complainant and the driver of the vehicle. The evidence also demonstrated that the named officer did not make use of the In-Car Video System per Department Policy. A training referral will benefit the named employee to discuss with his supervisor to consistently make use of his In-Car Video System.</p> <p>Corrective action for Discourtesy/Rudeness: Written reprimand; Read “Communication Excellence” by Brian J. Polansky. Prepare a memorandum applying the principles contained in the book and the specific set of facts in this case to demonstrate how the contact could have been handled differently. Submit the memorandum to your Captain or his/her designee for approval.</p>
<p>The complainant, an SPD supervisor, alleged that a local TV station aired a report alleging that the named employee had cursed at a citizen and stopped this citizen from video recording police activity.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Citizen Observation of Officer/Policy-Lawful & Proper 2. Professionalism-Profanity—Sustained <p>The evidence demonstrated that the named officer was securing an active crime scene when an unidentified citizen who was video recording the crime scene was asked to move away from the restricted area. The evidence also demonstrated that the named officer, by his own admission used profanity when speaking to the citizen.</p> <p>Corrective action: 1 day suspension without pay.</p>
<p>The complainant, an SPD supervisor, alleged that the named civilian employee failed to properly report changes in the place of recovery while using sick leave, and misused sick leave for a purpose other than being incapacitated or recovering from an illness or injury.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Failure to Properly Report Sick Leave Use—Sustained 2. Misuse of Sick Leave—Inconclusive 3. Dishonesty—Sustained 4. Accumulation/Use of Sick Time—Inconclusive <p>The evidence demonstrated that the named employee failed to properly report sick leave use and violated SPD policy requiring truthful and complete oral and written communications, statements and reports. The allegations of Misuse of Sick Leave and Accumulative/Use of Sick Time was neither proved nor disproved by a preponderance of the evidence.</p> <p>Corrective action: 10-day suspension without pay, 5 days held in abeyance for two years. If there are any future sustained complaints for the same or similar misconduct, the 5 days may be imposed in addition to any discipline for the future complaint.</p>

<p>The complainant, a passenger in a vehicle that was waved to the side of the road by named employee, alleged the named officer walked up to the motorist and unleashed a barrage of profanity and discourteous language toward the motorist for not pulling to the side of the road when the officer passed with his full emergency equipment activated on his patrol car. It is alleged the named officer also failed to document the traffic stop as required by Department policy.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Profanity—Sustained 2. Professionalism-Discourtesy/Rudeness—Sustained 3. Traffic Enforcement/Warning/Contact—Sustained <p>The evidence demonstrated that the named officer was responding to a “help-the-officer” call and the motorist whom he later waved over did not move to the side when the named employee came upon him with full emergency equipment activated. Shortly after passing the motorist the “help-the-officer” call was canceled. The named officer, by his own admission, does not dispute that after waving the driver over he used profanity, was discourteous, and did not document the traffic enforcement.</p> <p>Corrective action: 3-day suspension without pay; 2 days held in abeyance for one year. Any future sustained allegations of the same or similar misconduct will result in imposition of the 2 day suspension without pay in addition to whatever discipline results from the new case; retraining on the driving simulator; review of Department Traffic Stop Policy with his immediate supervisor.</p>
<p>The complainant, a department supervisor, alleged that the off duty named employee was arrested for DV Assault.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law (DV Assault)—Sustained <p>The evidence, including the named officer’s voluntary acknowledgement of the fact that his conduct constitutes the crime alleged, demonstrated a violation. However, there were mitigating factors taken into account by the court and Chief.</p> <p>Corrective action: 30-day suspension without pay; Disciplinary transfer; Last Chance Agreement</p>
<p>The complainant, who was observing the investigation and arrest of juveniles who removed a package from a neighbor’s porch, alleged that the named officer was discourteous, threatened to arrest her if she did not move, and used profanity when speaking to the juvenile suspects.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Sustained 2. Professionalism-Profanity—Sustained 3. Professionalism-Policy—Sustained <p>The evidence, including in-car video, demonstrated that the named officer was unprofessional and discourteous when he made contact with the complainant. The evidence also showed the named employee used profanity when speaking with the juvenile subjects.</p> <p>Corrective action: Written reprimand</p>

The complainant alleged that the named employee, a civilian, appeared to co-mingle his private business interests with his department employment creating an apparent conflict of interest. Complainant also alleged named employee was soliciting business for his private security company while conducting department business and making recommendations for preferred vendors. It is also alleged that named employee is operating a private security company in violation of department policy prohibiting such secondary employment.

Allegation and finding:

1. Conflict of Interest—Unfounded
2. Improper Business Referrals—**Sustained**
3. Improper Employment Solicitation—Unfounded
4. Prohibited Secondary Employment—Unfounded

The evidence demonstrated that the named employee has operated his private security business since 2001. The evidence suggests that the named employee has not attempted to conceal his activities but has conducted his business openly and with explicit or tacit approval of department supervision. However, for the allegation of Improper Business Referrals, the evidence demonstrated that named employee did violate department policy by recommending or suggesting a product or service while conducting department business.

Corrective action: Oral reprimand.

Note- a myriad of issues related to secondary employment have been raised through OPA complaints over the past two years. The SPD Professional Standards Section identified and worked on a few issues, though it became apparent that Human Resources needed to be involved for any systemic revisions. Because HR has been without a Director for a period of time, there was delay in moving this project forward. Now that an HR Director is in place, the OPA Director has asked the Deputy Chief of Operations to create a task force to include the HR Director and Professional Standards Section to develop a project plan that will address all secondary employment issues highlighted by the OPA Director and Auditor.

The complainant, an SPD supervisor, alleged that named officer was involved in a fight disturbance outside a downtown club. During the disturbance, officers responded and placed several people in handcuffs. It is alleged that the named employee walked over to a person who was handcuffed and kicked him in the head.

Allegation and Finding:

1. Violation of Law (Misdemeanor Assault)-Unfounded
2. Professionalism-Exercise of Discretion-Training Referral
3. Alcohol/Substance Use Wearing Recognizable Part of Police Uniform-Inconclusive
4. Unnecessary Use of Force-**Sustained**

The named officer was charged in Municipal Court for misdemeanor assault and a jury determined that the named officer was not guilty of criminal assault. The evidence showed, however, that the named officer was unjustified in using his foot to contact the head of a handcuffed subject; this action was neither necessary nor reasonable. The evidence also demonstrated that the named employee used poor discretion when confronting an individual regarding items he thought she had stolen from him. A Training Referral will allow the supervisor of the named employee to review the incident to determine how his actions contributed to the events that unfolded. Though making a Training Referral, the Chief and OPA Director pointed to evidence of racial animus in actions taken by some individuals who confronted the named employee, which was of great concern. The evidence was neither proved nor disproved regarding whether the named employee violated Department policy addressing the use of intoxicants.

Corrective action: 10-day suspension without pay will be held in abeyance for 2 years; if allegation(s) of the same or similar misconduct are sustained in the 2 year time period, the 10-day suspension without pay will be imposed as well as any new discipline for the subsequent misconduct; Retraining by the Deputy Chief of Operations on handling off-duty/plain clothes enforcement.

<p>The complainant, while being transported to jail, alleged he became injured due to named officer's failure to seatbelt him in the patrol car causing him to tip over when named officer took a sharp turn. It is also alleged that named officer mockingly laughed at him when he tipped over. OPA also added an allegation of Failure to Use In-Car Video System.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Prisoner Handling & Transport/Seat Belting Prisoners—Lawful & Proper 2. Failure to Use In-Car Video—Sustained 3. Professionalism-Courtesy—Inconclusive <p>The evidence demonstrated that named officer exercised permissible discretion when he chose not to seatbelt the complainant in the backseat of his patrol car. The evidence was neither proved nor disproved that the named officer mockingly laughed at the complainant. The evidence showed that the named officer did not use the In-Car Video System per Department policy.</p> <p>Corrective action: Oral reprimand.</p>
<p>The complainant, father of juvenile subject, alleged named employee, while off-duty and after identifying himself as a Seattle Police sergeant, swore at his son, and called him names while accusing him of being involved in suspicious activity.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Exercise of Discretion-Sustained 2. Professionalism-Profanity-Sustained 3. Professionalism-Discourtesy-Sustained <p>The evidence demonstrated that the named employee, while making contact with juveniles near his residence, used poor discretion when he verbally identified himself as a Seattle Police sergeant, displayed his Seattle Police badge, and concluded that the juveniles had a legal obligation to answer his questions or explain their presence. The evidence also showed that the named employee used profanity and was discourteous when talking with the juveniles and their parents.</p> <p>Corrective action: 2-day suspension without pay; 1 day will be held in abeyance for 1 year; if any future sustained allegations of the same or similar misconduct occur, they will result in imposition of the remaining 1 day suspension without pay in addition to the discipline resulting from the new case.</p>

<p>The complainant, who was involved in a disturbance, alleged that named officer #1 used a racial comment and was discourteous when contacting him and his friends. OPA added named officer #2 to this complaint after reviewing in-car video/audio and alleged that named officer #2 used profanity and unprofessional comments to no one in particular and out of earshot of others.</p>	<p>Allegation and Finding: Named officer #1 1. Biased Policing—Inconclusive 2. Professionalism-Courtesy—Sustained Named officer #2 1. Professionalism-Profanity—Sustained 2. Professionalism-Discretion—Sustained</p> <p>The allegation of racial comments against named officer #1 was neither proved nor disproved by a preponderance of the evidence. The evidence demonstrated, including admission by named officer #1, that he was less than courteous when he made contact with the complainant and his group of friends. The evidence also demonstrated that named officer #2 did use profanity and used poor discretion when uttering profanity and unprofessional comments into the In-Car Audio System.</p> <p>Corrective action: Written reprimand; disciplinary transfer held in abeyance for 1 year; if any future sustained allegations of the same or similar misconduct occur, they will result in imposition of the disciplinary transfer in addition to discipline resulting from new case.</p>
<p>The complainant, the victim of a domestic violence incident in which the named employee was dispatched, alleged named employee failed to write a police report of the incident.</p>	<p>Allegation and Finding: 1. Professionalism-Exercise of Discretion—Sustained 2. Incomplete Primary Investigation—Sustained</p> <p>The evidence demonstrated that the named employee used poor discretion in not writing a police report because of conflicting information he received from the parties involved. The evidence also demonstrated that the named employee failed to comply with department policy on investigating and documenting a domestic violence incident.</p> <p>Corrective action: Written reprimand</p> <p>Note: The Professional Standards Unit has been working to consolidate and rewrite domestic violence policies and will ensure that there is sufficient guidance to officers about when to write a General Offense report in domestic violence situations. The OPA Director has recommended that, once the policy is revised, consideration be given as to how training can incorporate the revised policy into other report writing, investigation and/or DV specific training.</p>

<p>The complainant, a third party friend of the subject, alleged named employee, while on duty but outside Seattle city limits, used profanity and unnecessary force when contacting his friend for a misdemeanor malicious mischief incident. OPA added an allegation of Reporting the Use of Force.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Sustained 2. Professionalism-Profanity—Inconclusive 3. Unnecessary Use of Force—Inconclusive 4. Reporting the Use of Force—Sustained <p>The evidence showed that the named employee used less than acceptable discretion while he engaged and detained the subject. The evidence also showed, including acknowledgment from the named employee, that force was used. The named employee should have contacted an on-duty supervisor to screen the use of force and the arrest and release of the subject. The allegations of Unnecessary Use of Force and Use of Profanity, were neither proved nor disproved by a preponderance of the evidence.</p> <p>Corrective action: 4-day suspension without pay.</p> <p>Note: The circumstances underlying this complaint exemplify the tension inherent in officers' duty to enforce the law and the misunderstanding that can arise when relatively minor infractions result in use of force, even when the force itself is minimal. OPA is sharing the pertinent facts involved with the Training Unit, with a suggestion that the case be used in developing training scenarios to guide officers in their use of discretion in confronting low level offenses.</p>
<p>The complainant, a Department supervisor, alleged the named civilian employee was dishonest when she reported she was summoned for jury duty when she was not.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Dishonesty—Sustained 2. Timekeeping/Jury Duty—Sustained <p>The evidence, including admission by the named employee that she was not truthful when she reported that she was summoned for jury duty, showed she engaged in the alleged misconduct.</p> <p>Corrective action: 5-day suspension without pay.</p>
<p>The complainant alleged that the named employee, while working off-duty performing traffic control duties, yelled and threatened arrest because the complainant disobeyed his directions. OPA added an allegation that the named employee failed to obtain a Secondary Employment Permit.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Secondary Employment Permits—Sustained <p>The misconduct of discourteous behavior by the named employee was neither proved nor disproved by a preponderance of the evidence. The evidence showed that the named employee failed to obtain a secondary work permit prior to performing secondary employment.</p> <p>Corrective action: Written reprimand.</p>

<p>The complainant alleged that the two named employees, while assisting a neighboring police agency locate a suspect, entered his residence without permission and was discourteous while interacting with him.</p>	<p>Allegation and Finding Named employee #1 1. Searches-General/Procedures—Sustained Named employee #2 1. Searches-General/Procedures—Sustained 2. Professionalism-Courtesy—Sustained</p> <p>The evidence showed that the named employees did not have legal justification for warrantless entry and search of the complainant’s home. The evidence also showed that named employee #2 was discourteous when interacting with the complainant.</p> <p>Corrective action: Written reprimand for both named employees.</p> <p>Note: The OPA Director previously has made recommendations that training on searches be emphasized by the Department, particularly given that the law in this area is continually evolving. The Director strongly recommended that Street Skills training always devote time to these issues and that the Department provide multi-media training updates throughout the year as new law develops.</p>
<p>The complainant, after being stopped for a traffic violation, alleged the named employee banged on her window aggressively and then asked her questions but interrupted as she attempted to answer. OPA added an allegation that the named employee did not use In-Car Video per Department policy.</p>	<p>Allegation and Finding 1. Professionalism-Courtesy—Inconclusive 2. In-Car Video/Policy—Sustained</p> <p>The misconduct of courtesy could neither be proved nor disproved by a preponderance of the evidence. The evidence did show that the named employee did not engage the In-Car Video System per Department policy.</p> <p>Corrective action: Oral reprimand.</p>
<p>The complainant, a supervisor within the Department, alleged that the named employee was arrested for Driving Under the Influence.</p>	<p>Allegation and Finding 1. Violation of Law-Administrative (DUI)—Sustained</p> <p>The evidence showed that the named employee was arrested for Driving Under the Influence and pled guilty to Reckless Driving.</p> <p>Corrective action: 5-day suspension without pay (not imposed per Settlement Agreement, though operates as imposed if there is a future alcohol related incident).</p>

<p>The complainant, an outside law enforcement agency, contacted OPA to report that the named employee was arrested for DUI.</p>	<p>Allegation and Finding</p> <ol style="list-style-type: none"> 1. Violation of Law (DUI)—Sustained <p>The evidence, including an admission by the named employee, showed that he did engage in an administrative violation of law.</p> <p>Corrective action: 5-day suspension without pay; Mandatory referral to EAP; Any future sustained violations involving alcohol will result in discipline up to and including termination.</p>
<p>The complainant, mother of juvenile victim of a strong armed robbery, alleged that the named employees gave her son inappropriate advice as to how he should have handled a strong armed robbery incident. OPA added the allegation that the named employees failed to write a General Offense Report for the Strong Armed Robbery and the failure to use In-Car Video.</p>	<p>Allegation and Finding</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral 2. Failure to Take Appropriate Action—Sustained 3. Failure to Use In-Car Video—Training Referral <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Training Referral 2. Failure to Take Appropriate Action—Sustained 3. Failure to Use In-Car Video—Sustained <p>The evidence demonstrated that both named employees failed to investigate and document this alleged felony incident. The evidence also demonstrated that the named employees could have communicated better with the juvenile they contacted. A training referral will benefit both named employees to review the incident with their supervisor and for the supervisor to counsel them on effective communication approaches. The evidence showed that named employee #2 was aware that the In-Car Video System was not working properly. Per Department Policy, officers are to ensure that In-Car Video System is working properly prior to going into service. The supervisor for named employee #1 will counsel him on the importance of ensuring that the In-Car Video System is working prior to going into service.</p> <p>Corrective action for both named employees: Written reprimand</p>

<p>The complainant, while being taken into custody for assault, alleged that named officer #1 used unnecessary force causing bruises and contusions. The complainant also alleged that the named employees did not secure her residence after her arrest resulting in a burglary to her home. OPA added an allegation of lack of courtesy for a comment that was made to the complainant when she asked if her residence could be secured. The allegation of Failure to Report the Use of Force was also added by OPA.</p>	<p>Allegations and Finding Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force-Lawful & Proper 2. Failure to Report the Use of Force—Unfounded 3. Professionalism-Exercise of Discretion—Sustained 4. Professionalism-Courtesy—Training Referral <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Inconclusive <p>The evidence, including In-Car Video, demonstrated that minimal, non-reportable force was used while taking complainant into custody. The evidence demonstrated that named officer #1 did not secure complainant's residence after being asked to do so and the home was subsequently burglarized. The evidence showed that named employee #1 did make a negative comment toward the complainant and will be counseled by his supervisor to always remain professional even in the most challenging circumstance. The evidence showed that named employee #2 was taking another suspect into custody at the same time complainant asked to have the residence secured and did not hear her request.</p> <p>Corrective action for named employee #1: Oral reprimand</p>
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