



**Seattle Office of  
Inspector General**

## **2022 Annual Report**

December 15, 2023

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## Letter from the Inspector General

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Emerging from 2021, OIG continued to face challenges related to the COVID-19 pandemic and sustained community unrest about racial injustice and police violence. In addition to planned projects, OIG continued its efforts related to reviewing SPD's response to the 2020 protests and began additional review of Waves 3 and 4. Too, OIG continued to move forward on audit projects, and our internal structures and operations. 2022 proved to be another focal year for OIG to assess our capability to respond to a large-scale crisis in local policing based in learnings as a result of the events of 2020, and to continue to assess our own work, cultivate and steward relationships with community partners and stakeholders, and embrace growth.

These are some highlights of the work accomplished by the fantastic team at OIG:

- In 2022 OIG completed the Sentinel Event Review of the 2020 protests. The review panel, which consisted of community members and SPD officers, identified situational and systemic factors contributing to each incident, then generated recommendations to address systemic issues within SPD.
- OIG released audits of SPD disciplinary procedures and secure firearm storage in SPD facilities, highlighting areas of concern and opportunities for improvement.
- OIG continued the critical work of certifying investigations of alleged misconduct conducted by the Office of Police Accountability—certifying 212 cases.
- OIG worked in collaboration with experts, local stakeholders, and SPD, to issue recommendations to SPD including deprioritizing certain low-level traffic stops and the implementation of dialogue policing.

Our work would not be as impactful or robust without strong relationships and collaboration with community partners and stakeholders. OIG is committed to continuing to facilitate difficult conversations between community and SPD to address community concerns and systemic issues of bias and institutional racism and will continually seek and incorporate community perspective in the process.

I look forward to continued collaboration and work with the community and SPD to increase public trust and police accountability in Seattle.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Judge".

Lisa A. Judge

Inspector General for Public Safety

## Chapter 1: INTRODUCTION

The Office of Inspector General for Public Safety (OIG) is charged with systemic oversight of the Seattle Police Department (SPD) and Office of Police Accountability (OPA). In 2022, OIG efforts in pursuit of our mission included continued review and audits of SPD policies and practices, with a continued focus on SPD actions during the 2020 protests, as well as certification of OPA investigations into alleged officer misconduct.

### Annual Report Requirements

Each year OIG is required to produce a report describing our work, accomplishments, challenges, and priorities. This includes audit and policy work with SPD and OPA; recommendations developed through OIG projects, and evaluation of the extent to which the accountability entities and SPD are fulfilling their obligations under the Accountability Ordinance. The report also includes review of trends in: inquests; claims and lawsuits alleging SPD misconduct; successful practices in other jurisdictions; and OIG review of the OPA complaint-handling system (See Appendix A for the full requirements).<sup>1</sup>

Report requirements are addressed in the following chapters:

- Strategic Leadership: Strategic work performed by the Inspector General to advance the department mission, represent the expertise of OIG in stakeholder activities, and prepare OIG to sustain critical reforms after the Consent Decree is lifted.
- Audits: Audits and assessments performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) and reviews guided by GAGAS principles.
- Policy Work: Policy and research for innovation and improvement informed by best practices and advancements from other jurisdictions, including major special projects that advance the Inspector General's vision for accountable policing.
- OPA Review: Review and certification of OPA complaint handling and the OIG complaint intake system.

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<sup>1</sup> In 2022, OIG was organized into three functional work areas with staff conducting audits, policy and best practice research, and investigations and OPA investigation QA (see Appendix B for OIG organizational chart). As a small department, office staff are frequently cross-trained and able to assist on cross-disciplinary projects where needed.

## Chapter 2: STRATEGIC LEADERSHIP

### Highlights

Strategic leadership efforts at OIG ensure that projects and priorities foster effective systemic oversight of SPD and OPA and strengthen public trust. OIG leadership prioritized projects that advanced racial and social justice. OIG monitored SPD use of force and actively collaborated with the City, Court Monitor, and other stakeholders to chart a sustainable path forward for accountable policing.

### Leadership and Collaboration

OIG leadership continued to engage in strategic planning and conversation with stakeholders on the future of policing, SPD operations during and after the Consent Decree, and monitoring SPD administrative investigations of significant uses of force. Examples of collaborative efforts included:

- Quarterly meetings between OIG, Community Police Commission (CPC), OPA, and SPD leadership to provide strategic coordination and monitoring of accountability recommendations from all oversight entities.
- Consent Decree sustainment meetings with partners to discuss SPD policies and planned sustainment assessments.
- Reports to Council at public committee meetings and responding to Council requests related to police protests and implementation of local ordinances related to the use by SPD of surveillance technologies.
- Participation in the City of Seattle state legislative agenda efforts.
- Regular meetings with SPD management and leadership.
- Community meetings and forums, and individual relationship building with community members.
- Regular meetings with American Civil Liberties Union (ACLU) leadership.

In 2022, OIG spearheaded multiple long-term projects requiring participation from SPD and other community groups. This work included:

- Continuation of the Sentinel Event Review (SER).
- Development of dialogue policing models for facilitation of public demonstration events.<sup>2</sup>
- Commissioning of a crowd psychology analysis of police response to 2020 protests.

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<sup>2</sup> OIG coordinated and facilitated the exchange of experiences and lessons learned on dialogue-based policing from the United Kingdom, Sweden, and Korea.



- Continuation of training with SPD and OPA on effective interviewing techniques using the PEACE model.

OIG maintained its partnership with community leaders, organizations, and members of SPD who form the SER, which published reports since 2021. OIG is committed to using the SER process in other ways to improve facilitation of first amendment activity in Seattle and give a voice to the City's diverse community in speaking out about historical racism and violence in policing.

### Use of Force Oversight

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

The IG and/or her designee responded to investigation scenes of significant uses of force, such as officer-involved shootings, to provide independent observation of the unfolding investigation and ensure the scene is managed according to policy and accepted investigative protocols.<sup>3</sup>

In 2022, OIG leadership continued to attend Force Review Board (FRB) meetings and provide ongoing feedback regarding FRB functioning. FRB provided critique of and insight into SPD uses of force.<sup>4</sup>

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<sup>3</sup> Having civilian observers adds a layer of transparency to SPD operations to promote public trust and address community concern. It also provides an opportunity for real-time civilian feedback and the ability to ask clarifying questions on issues of potential importance to the community.

<sup>4</sup> As part of the monitoring assessment workplan, OIG will provide ongoing feedback to FRB, as well as provide an assessment of the efficacy of the FRB.



## Chapter 3: AUDITS

### HIGHLIGHTS

OIG released one audit report in 2022, a non-audit review of COVID-19 Masking Compliance and completed its first peer-review with a rating of 'pass'. OIG initiated several audit projects and a series of ordinance-mandated reviews of SPD surveillance technology.

### Audit Standards and Practices

OIG follows the Generally Accepted Government Auditing Standards (GAGAS) set by the United States Government Accountability Office. These standards contain requirements for how the OIG auditors perform their work, including independence, objectivity, standards of evidence, and reporting.

Sometimes, OIG chooses to do non-audit “reviews,” including alert letters, when full compliance with GAGAS is not feasible. The decision to issue a non-audit review is driven by considerations such as external time constraints or the urgency of an issue. OIG follows the same evidence and quality control standards in a review as it would in an audit project.

### Recommendations and Follow-Up

OIG issues recommendations in our audit work and periodically follows up on the status of recommendations. After SPD reports implementation of a recommendation, OIG conducts validation testing before closing the recommendation. Due to staffing constraints, most recommendation follow-up activities were delayed in 2022.

### About Audits

*OIG conducts performance audits and reviews of SPD to determine the health of department systems and processes. Topics are selected based on an assessment of risk that considers the impact of a potential issue and likelihood of a system problem. OIG uses a variety of methods, including interviews, data analysis, and best practices research to assess whether SPD is delivering “constitutional, professional, and effective police services consistent with best practices...in a way that reflects the values of Seattle’s diverse communities.”*

## Completed Projects

### **SPD Compliance with Mask Directives During the COVID-19 Pandemic**

OIG conducted a review to determine why SPD, as an organization, did not enforce public health directives concerning facial coverings (“masks”) during the COVID-19 pandemic. OIG reviewed internal department emails, investigation files from the Office of Police Accountability (OPA), and payroll information, and interviewed relevant personnel. The report was issued in April 2022.

### **External Quality Control Review**

In October 2022, a team of auditors assigned by the Association of Local Government Auditors reviewed the internal quality control system related to OIG audit projects. OIG received a rating of ‘pass’, the highest rating an audit organization can achieve.

## Projects in Progress

### **Chapter 14.12 Audit**

OIG resumed fieldwork on a required audit of SPD compliance with Chapter 14.12 of Seattle Municipal Code. This audit had previously been deferred due to other ongoing projects and staffing limitations. This audit was ongoing at the end of 2022.

### **Youth Miranda Rights Audit**

In response to a workplan request from Councilmember Herbold, OIG began an audit of SPD compliance with recent local and state laws requiring officers to provide youths with access to attorneys prior to custodial interrogation or providing consent to search. This audit was ongoing at the end of 2022.

### **Leave Administration Audit**

OIG began work to assess SPD controls to prevent fraud, waste, and abuse of leave benefits across multiple operational areas. This audit was ongoing at the end of 2022.

### **Annual Surveillance Usage Reviews**

As required by SMC 14.18.060, OIG began reviewing SPD use of eight surveillance technologies approved in 2021. At the end of 2022 this work was ongoing.

## Deferred or Cancelled Projects

These projects were in the 2022 work plan but were deferred or cancelled, as explained below.

### **Audit of SPD Interactions with Outside Law Enforcement Agencies (Mutual Aid)**

OIG began an audit of SPD operations when engaging with other agencies under task force and mutual aid agreements. The marked increase in use of force and mutual aid during the 2020 protests following George Floyd's murder prompted OIG to expand the scope of this audit. This project was delayed due through 2022 due to staffing limitations.

### **SPD Responses to High-Risk Persons-in-Crisis Calls**

This non-audit review concerned SPD responses to high-risk persons-in-crisis. The review included a subset of cases where SPD officers encountered subjects in crisis who were reported or observed to have hand-to-hand weapons, and the incident ended with no serious injuries or deaths. OIG discontinued work on this review due to staffing limitations and external changes that affected the validity of potential findings, including the introduction of new less lethal equipment.<sup>5</sup>

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<sup>5</sup> In 2023 and beyond, OIG will be continuing work in the area of SPD crisis interactions using varying approaches, including ongoing assessments by the newly formed Standards and Compliance unit and a SER process coordinated by the Policy unit.



## Chapter 4: POLICY WORK

### HIGHLIGHTS

In 2022, OIG policy work focused on completing the review of SPD actions during the 2020 protests through the Sentinel Event Review (SER) process, creating policy recommendations around the use of deception in public safety, drafting a workplan to assume monitoring duties related to the Consent Decree, and reviewing proposed legislation on police accountability and public safety by the state legislature.

### Policy Overview

In 2022, OIG continued to focus on community and data driven policy projects. As in 2021, a central theme guided policy unit work on these projects: the gap between SPD structural legitimacy—what SPD is permitted to do according to law and policy—and its perceived legitimacy—the extent to which the public believes SPD actions are proper and justified. Multiple OIG policy projects, including the SER and work on SPD use of deception in patrol, resulted in policy recommendations intended to close the legitimacy gap and better align SPD policy with public expectations.

OIG complemented the efforts of three full-time staff members—a supervisor and two analysts—by engaging academic researchers with relevant subject matter expertise who assisted in the analysis and execution of multiple projects.

### About Policy

*OIG produces policy reports and conducts research and special projects with the goal of fostering innovation and providing insight into issues affecting the Seattle police accountability system, while being responsive to the intersection of constitutional policing and social justice. To that end, OIG conducts data and policy analysis, collaborates with a range of stakeholders, and engages directly with community members.*

### Overview of Policy Projects

#### Sentinel Event Review

In late 2020, OIG established a SER Planning Group composed of diverse community leaders, members of the public, and SPD officials. The SER Planning Group advises the SER process. The group identified five “Waves” of police use of force records and other related

data (e.g., arrests, injuries, complaints, etc.) and critical incidents.<sup>6</sup> To review each Wave, OIG and the Planning Group assembled a Panel of community members with diverse lived experiences, SPD personnel of various ranks, and Inspector General Judge.

In 2022, OIG continued its Sentinel Event Review (SER) of the 2020 protests in Seattle. The SER seeks to identify root causes of sentinel events (significant, negative events which signal the existence of systemic problems) to prevent their recurrence.

The Wave 2 Report was published in March 2022 with 26 recommendations for the City and SPD; Chief Diaz issued a response letter in May 2022. The Wave 3 Report was published in October 2022 with 34 recommendations made to the City and SPD. The Panel completed its Wave 4 review in November 2022.<sup>7</sup>

When comparing the final Wave of protests to preceding Waves, the Panel observed substantially different outcomes. Specifically, fewer arrests, reported uses of force, and reported conflicts between protestors and police took place during the final Wave. The Panel's Sentinel Event Review of the 2020 protests concluded with the Wave 4 review.

### **Staffing Study of Sworn vs. Civilian Investigations of Police Misconduct**

The 2017 Accountability Ordinance enabled the Office of Police Accountability to increase the number of civilian investigators on its staff. Through collective bargaining, it was determined that OPA would "civilianize" two supervisory positions and two investigators. In response to Resolution 31753, Section 4.6 OIG began an evaluation of the impact of OPA hiring civilian employees within its investigation staff.

In 2022, OIG designed a cross-jurisdictional review of staffing and police misconduct allegations. OIG developed an assessment to compare civilian and sworn hires to see if any measurable difference exists between their investigations, decisions, and past affiliations.

### **Use of Deception in Public Safety**

In 2022, OIG worked with stakeholders and SPD to address the use of deception in public safety. To provide a foundation for stakeholder discussions, OIG commissioned a white paper on the broader topic of deception in policing, from Professor Anjelica Hendricks, a strategist and consultant on community-police relations with the University of Pennsylvania

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<sup>6</sup> Wave 1 (May 29–June 1): Events which took place between the murder of George Floyd by Minneapolis police officers and the first four days of demonstrations in Seattle. Wave 2 (June 2–June 7): Events which took place before SPD personnel left the East Precinct, when the main demonstrations shifted from Downtown to the East Precinct. Wave 3 (June 8–July 2): Events which took place during the Capitol Hill Organized Protest (CHOP)/Capitol Hill Autonomous Zone (CHAZ). Wave 4 (July 3–Oct 7): Events which took place after the East Precinct was reestablished through the formation of the Community Response Group (CRG) on October 7. Wave 5 (October 8–December 31): Events which took place after the creation of the Community Response Group (CRG) by SPD Interim Chief of Police Adrian Diaz through the end of the year.

<sup>7</sup> Final report was published in spring of 2023.

Carey Law School. OIG convened stakeholders for a series of meetings facilitated by Hendricks to discuss the use of deception in patrol and to provide recommendations to SPD in drafting a deception policy for patrol officers. These meetings emphasized the importance of minimizing the risk and negative impacts related to the use of deception and ensuring that SPD internalizes a culture that embraces documentation, transparency, and responsibility in the use of deception.

### **SPD Consent Decree Monitoring Assessment Transition**

Appointed by the City and approved by the Federal Police Monitor, OIG is charged with overseeing SPD fidelity to reforms upon termination of the Consent Decree. In 2022, the OIG policy unit developed a monitoring assessment plan to ensure police services continue to be delivered in full compliance with the Constitution and other federal laws. The assessment transition will begin in 2023 and will include evaluation of SPD response to and reporting of use of force, stops and detentions, crisis intervention, supervision, and disparities related to policing practices.

### **Seattle Police Department Data Transparency**

OIG developed an infographic visualization of the process SPD follows when responding to 911 calls. This infographic maps the initial call to the Community Safety Communications Center (CSCC) and the creation of a Computer Aided Dispatch (CAD) record, the dispatch of officers to the scene and any subsequent investigation, as well as the closing of the case and the CAD record. SPD has now produced a video representation of this map.

Additionally, OIG made recommendations to SPD for the development and publication of future datasets, including variables and definitions, to improve accessibility and transparency of public data.

### **State Legislative Agenda**

Each year, OIG issues recommendations on the City's State Legislative Agenda (SLA) and on proposed state-level legislation related to police accountability and public safety. Priorities are determined by assessing themes of OIG work to identify areas where legislative efforts might improve systems of policing. OIG policy recommendations consider laws, practices, and stakeholders. OIG also reviews emerging legislation on police and police accountability nationwide to stay informed on emerging national trends and best practices.

In 2022, OIG consulted with a wide range of stakeholders to review legislation, including community-based organizations, legal experts, and public agencies such as the City Attorney's Office (CAO), the Office of the Mayor, the Office of Police Accountability (OPA), and the Community Police Commission (CPC).

## SPD Claims

Persons alleging fault by SPD for incidents resulting in loss, injury, or damages can file claims with the City. Claims are reviewed and investigated by the Seattle Risk Management Office and can result in the City:

1. Paying a sum of money;
2. Transferring the claim to another entity; or
3. Denying the claim, finding no evidence of city negligence.

In 2022, Seattle Finance and Administrative Services tracked 136 claims filed against SPD. As of the time of writing, 52 claims remain open and 84 have been closed; 31 of the claims made in 2022 have reached settlements with the City. Table 4.2 shows the breakdown of claims made against SPD and payments made by the city from 2019–2022.

Table 4.2: SPD Claims and Payouts 2019-2022\*

	Claims Filed	Claims Settled	Payment
2019	292	57	\$4,931
2020	269	134	\$285,513
2021	234	69	\$55,573
2022	136	31	\$352,887

\*This table reflects the data available to the OIG at the time of publication.

### SPD Claims Related to 2020 Protests

OIG tracks claims related to the 2020 protests. No protest-related claims were filed in 2022. One protest-related claim was settled in December 2022. OIG will continue to track 2020 protest claims as the remaining claims are processed.

### SPD Lawsuits

Lawsuits brought as a result of SPD operations generally involve labor disputes, torts, or police action. In these cases, SPD is counseled and represented by the City Attorney's Office (CAO) Civil Division. There are four possible resolutions for litigation: dismissed no payment, settlement, judgment with payment, and judgment without payment.

## **Torts**

Torts involve allegations of personal injury and property damage related to SPD. These include allegations of police negligence unrelated to use of force, such as injury caused by an SPD employee traffic accident. In 2022, seven tort claims were filed against the City and nine were closed.

## **Police Action Lawsuits**

Police actions result from allegations that SPD operations, personnel actions, equipment, or vehicles were responsible for loss, injury, or damage. Ten police action cases were filed against the city in 2022; thirteen police action lawsuits were filed in previous years and active in 2022. Eleven lawsuits were closed in 2022.

## Chapter 5: OPA Review

### HIGHLIGHTS

OIG found that the Office of Police Accountability (OPA) conducted thorough, objective, and timely investigations, achieving full certification in 92% of cases in 2022. OIG is committed to working with OPA to achieve fair and consistent outcomes, focusing on issues that remain vitally important to fostering and maintaining public trust.

### About OPA Review

OIG oversight of OPA ensures accountability at two critical junctures in the handling of misconduct allegations against SPD employees. First, OIG reviews the classification decision made by OPA to ensure a complaint is routed appropriately. Second, when an investigation is complete, OIG reviews the investigation, provides feedback, requests additional investigation when necessary, and certifies whether the investigation was thorough, timely, and objective. If a conflict of interest prevents OPA from handling a complaint made against one of its employees, OIG investigates the complaint. After assuming responsibility for investigation of a complaint, OIG follows the OPA process to maintain consistency in the system, with the same authority as OPA.

### Classification Review

Upon receiving a complaint, OPA conducts a preliminary review and determines whether a full investigation or another resolution is appropriate to address allegations. Consistent and proper classification of complaints is a matter of public trust. To ensure complaints are assessed in a fair manner and in accordance with OPA and SPD policies, OIG reviews OPA classification decisions to determine:

1. If the classification was appropriate; and
2. If OPA properly identified all allegations and associated employees.

Complaints that are routed for a full investigation do not undergo classification review by OIG. In 2022, OPA classified 148 complaints for full investigation out of 1,267 contacts reviewed by OIG.



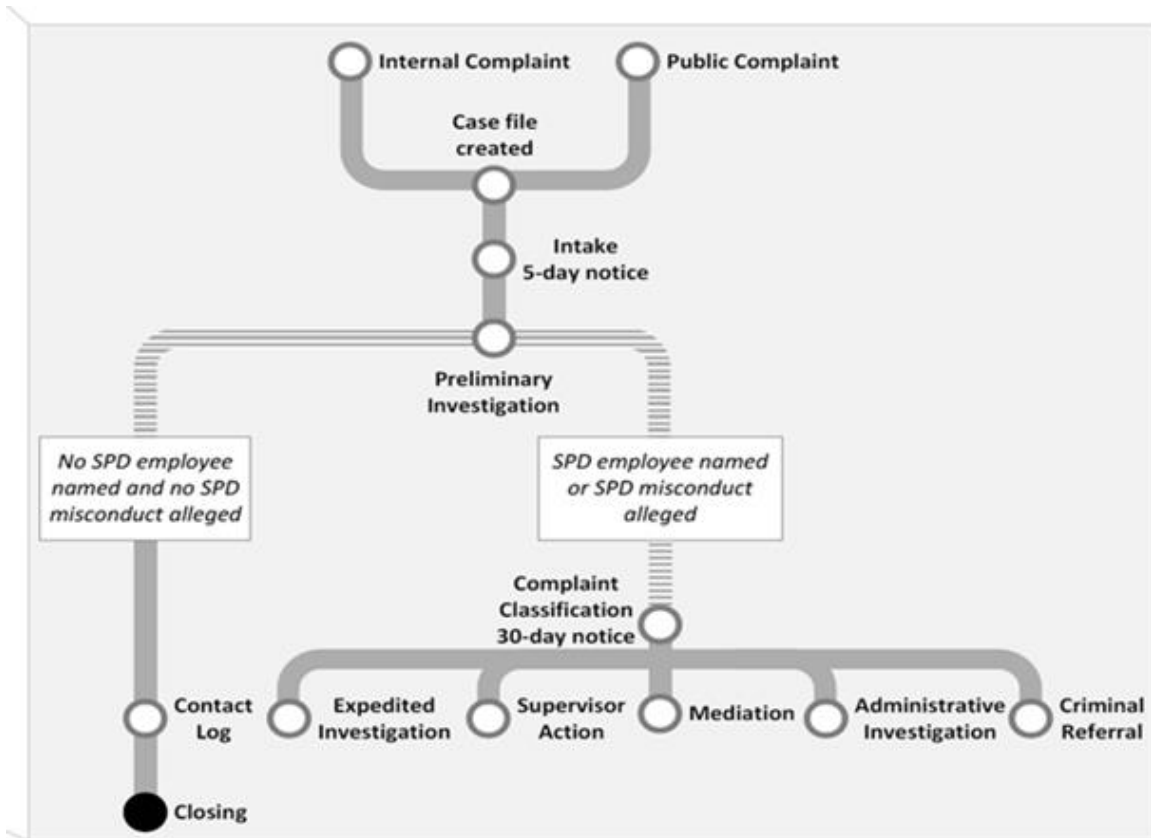
There are four primary types of classifications:

1. **Contact Log:** Used when a complaint does not involve an allegation of possible misconduct against an SPD employee, or there is insufficient information to proceed. OPA records the intake with a case number and sends the Complainant a closing letter but does not take any other action.
2. **Supervisor Action:** Used when the complaint involves a minor policy violation or performance issue that OPA determines is best addressed by the employee's Chain of Command. This can include training, communication, or coaching. It can also be used to address allegations that are not a violation of policy, but impact customer service or effectiveness.
3. **Expedited Investigation:** Used when the Complainant alleges a serious policy violation where preliminary evidence disproves the allegation, or proves minor misconduct occurred, but OPA has determined it is best handled through a training referral rather than discipline. Expedited cases are reviewed by OIG simultaneously for both proper classification and certification of the investigation. If OIG disagrees with this classification, OPA reclassifies the case for further investigation.
4. **Investigation:** Used in cases of alleged serious misconduct, that if true, would be a violation of SPD policy or law. Following an investigation, including interviewing witnesses, and named employees, OPA issues a recommended finding that could result in formal discipline.

OPA uses other case disposition programs including **Rapid Adjudication and Mediation** which are discussed further below.



Figure 5.1. OPA case intake process





## Classification Review Methodology

In 2022, OPA began operating under a new manual. OPA previously used a 2016 court-approved manual, which only identified two classification types: Supervisor Action and Investigation. Since 2016, OPA created a new classification type of Expedited Investigation and redefined the Contact Log classification from what was an administrative function contained in their manual into an actual classification type. When assessing classifications in 2022 for appropriate designation, OIG relied upon the criteria outlined in the OPA Manual, the Accountability Ordinance, and on the definitions created by OPA for the new classifications.

OIG may conduct quarterly sampling of classification decisions or conduct individual review as needed. In 2022, OIG used the following review methodologies:

- **Expedited Investigation:** Reviewed individually at the time of classification. If OIG did not concur with the proposal, OPA reclassified the case for full Investigation.
- **Supervisor Action:** Reviewed retroactively for Q1 and Q2 of 2022, then reviewed weekly for the remaining two quarters of the year.
- **Contact Log:** Reviewed retroactively for Q1 and Q2 of 2022, then reviewed weekly for the remaining two quarters of the year.
- **Rapid Adjudication:** Reviewed prior to official classification to ensure OIG agreed with OPA's assessment.
- **Mediation:** No cases were resolved through mediation in 2022.

## Classification Review Findings

In previous years when OIG conducted individual classification review, OIG and OPA were able to reach a high level of agreement because OIG provided real-time feedback to OPA prior to a decision. When OIG moved to quarterly sample review, OPA classification decisions were retrospectively assessed, resulting in less concurrence, and providing only opportunity for future improvement. In 2022, OIG returned to reviewing all classification decisions by OPA—retroactively for the first two quarters of the year and weekly for the remaining two quarters.

Table 5.1 below provides review data by classification type.

Table 5.1. OIG and OPA Classification Concurrence by Case Type

OPA Classification	Total	Reviewed by OIG	Level of Concurrence	Type of Review
<b>Contact Log</b>	89	89	96.6%	Individual
<b>Batch Contact Logs</b>	606	606	99.5%	Individual
<b>Supervisor Action</b>	132	118	95.8%	Sample until Q3, then individual
<b>Expedited Investigation</b>	138	138	97.8%	Individual
<b>Bias Reviews</b>	153	74	98.6%	Sample
<b>Rapid Adjudication</b>	1	1	100%	Individual
<b>Mediation</b>	0	0	N/A	Individual
<b>Total</b>	<b>1,119</b>	<b>1,026</b>		

### Expedited Investigations

In 2022, OIG concurred with approximately 97.8% of cases (135 total cases) designated for handling as Expedited Investigations (see table 5.2). This is an increase from 2021, when OIG concurred with 91.5% of cases proposed as Expedited and is likely due in part to increased use of the Expedited classification (71 cases were reviewed for Expedited Investigation in 2021). Additionally, in some proposed Expedited classifications, OIG did not initially concur because of insufficient evidence and requested additional information from OPA. In many instances, OPA was able to remedy identified deficiencies prior to classification to gain concurrence and receive full certification of the Expedited Investigation. In other proposed Expedited Investigations, OIG did not concur with OPA's assessment on the appropriateness of this classification, and these cases were reclassified for further investigation. Finally, expedited allegations were accepted on some proposed allegations but not on others. In these cases, OPA received a certification for allegations

accepted as an Expedited Investigation, with the case then bifurcated, with remaining allegations being fully investigated.

## Contact Logs

A Contact Log classification can be handled in two ways: Complaints with sufficient information to evaluate and undergo a full intake process and are assigned a case number (89 in 2022). Complaints that do not meet the low threshold to allow for evaluation are not assigned a case number and are stored in a Batch Log (606 in 2022, see table 5.2).

The Batch Log is for general contacts with OPA, where there are no policy violations alleged. These contacts are compiled under a single IAPro case file. During 2022, OIG reviewed these intakes retroactively for the first two quarters of the year and then weekly for the remainder of the year, to ensure appropriate disposition and to identify possible systemic concerns in a timely manner. OIG did not identify any complaints in the Batch Contact Logs alleging serious misconduct by SPD employees. Complaints included in the log often were about another jurisdiction or department, traffic violation disputes, or otherwise unrelated issues that did not allege policy violations. In 2022, OIG concurred with 99.5% of the Batch Contact Log classifications.

OPA appears to use the Contact Log category appropriately, as OIG had a high level of concurrence with these case classifications. However, where non-concurrence was noted, the determination was based on the following:

1. Contact Logs contained alleged policy violations, where OIG determined an Expedited Investigation would have been the more appropriate classification.
2. The basis to justify the classification was inconsistent with the Contact Log policy.
3. OIG determined the allegation had significant implications for public trust and, therefore, warranted more investigation.

## Supervisor Actions

In 2022, OIG's rate of concurrence while reviewing Supervisor Action cases was 95.8%. For the first half of 2022, OIG reviewed Supervisor Action classifications retroactively, assessing a sample of Supervisor Actions available. In Q3 2022, OIG began reviewing cases on a weekly basis shortly after their classification. Additionally, OIG was able to review Supervisor Actions that were part of higher levels of classification (such as Expedited Investigations or Investigations) ensuring Supervisor Actions were reviewed in a timely manner, and not at the conclusion of a case.

## Investigation Review

OIG certifies whether OPA investigations are **thorough, timely**, and **objective** using criteria delineated in the accountability Ordinance, including whether:

- Witnesses were contacted, interviewed, and all other material evidence was collected in a timely manner.
- Interviews were thorough and unbiased, conflicting testimony was sufficiently addressed, and OPA investigators did not shy away from asking challenging and necessary questions.
- Additional clarifying information would strengthen the investigation.
- The written summary and analysis are objective and accurately reflect the evidence.
- Applicable OPA procedures were followed, and the intake and investigation were conducted in accordance with the OPA Manual.

### **Investigation Review Methodology**

OIG considers each investigation on a case-by-case basis to assess whether OPA has sufficiently addressed the allegations brought forward in accordance with the accountability ordinance, the SPOG collective bargaining agreement, and the OPA Manual requirements to achieve procedural justice.

**Timeliness** requirements include the following:

- Completion of the investigation is within 180 days, minus any period in which an extension was granted or time was tolled, otherwise discipline cannot be imposed.
- Named employees are notified of complaints against them within five business days.
- Complaints are classified within 30 calendar days after receipt.
- Complainants are notified when OPA has received the complaint and when OPA has classified the complaint.
- Named employees are notified in advance of interviews in accordance with labor contract requirements; and investigations are submitted to OIG in a timely manner to afford sufficient time for feedback and additional OPA investigation if requested or directed by OIG.

When assessing the **thoroughness** of OPA investigations, OIG examines whether:

- All allegations were identified, and each allegation was sufficiently addressed.
- Investigation steps are clearly documented.
- Relevant evidence is collected and accurately reflected in the OPA report.
- Interviews are comprehensive.
- Perishable evidence has been preserved.



When assessing the **objectivity** of OPA investigations, OIG examines whether:

- The investigation includes all relevant evidence.
- Facts and analysis are conveyed in a manner that does not express or indicate bias.
- Conflicting testimony has been addressed.
- Interviews do not use leading or suggestive questions.
- The intake and investigative process complied with the policies set forth in the OPA Manual.

During the review process, OIG feedback to OPA may include formal requests (e.g., a memo directing additional investigation) and informal requests or inquiries via email or Teams meetings. If OIG identifies a deficiency that would impact the certification or case outcome, OIG will formally direct additional investigation or require modifications to the investigative record. In such cases, after being provided with the opportunity to resolve any identified deficiencies, OPA resubmits the case to OIG for final review and a certification decision. Informally, OIG may offer suggestions regarding further investigative steps, request minor fixes to the investigative record, or provide feedback for future cases,

**Investigation Review Findings**

In 2022, OIG issued 344 certifications for 324 cases, with 10 bifurcated cases receiving multiple certifications. In 2022, approximately 42.5% (138 out of 324) of all investigations were handled at least in part as Expedited Investigations, as depicted in Table 5.3. The remaining 57.4% were processed as Investigations. Cases that received both Expedited Investigation and Investigation certifications are included in the table below to show concurrence. Expedited numbers include bifurcated cases, to show certification rates for each case completed by OPA. Overall, 92% of certifications issued by OIG found OPA investigations to be objective, thorough, and timely.

Table 5.2. Certification Review Outcomes by Investigation Type

Case Type	OIG Certifications	Full Certification	Partial Certification	Null Certification
<b>Expedited Investigation</b>	138	135	3	0
<b>Investigation</b>	206	182	24	0
<b>Total</b>	344	<b>320 (92.2%)</b>	<b>27 (7.8%)</b>	<b>0 (0%)</b>



## Partial Certifications

In 2022, OIG issued twenty-seven partial certifications. The main certification deficiency was timeliness of the investigation (22) that impacted OPA's ability to impose discipline on officers if allegations were sustained. Additionally, six investigations were found not to be thorough, and two were found not to be objective. The number of partial certifications issued in 2022 increased to 27 from 14 in 2021. The number of cases increased to 344 in 2022 from 212 in 2021.

Table 5.3. Certification Issues by Category

OIG Certifications	Total Count	% of Total Cases
Partial: Not Objective	2	0.6%
Partial: Not Timely	18	5.2%
Partial: Not Thorough	3	0.9%
Partial: Not Thorough or Timely	4	1.2%
<b>Subtotal</b>	<b>27</b>	<b>7.8%</b>
Full: Timely, Thorough & Objective	317	92.2%
<b>Total Certifications Issued by OIG</b>	<b>344</b>	<b>100%</b>

Note: Percentages are rounded to the nearest tenth of a percent.

## Alternative Programs

### **Rapid Adjudication**

In 2019, OPA began the Rapid Adjudication program, which is described in the Seattle Police Officers Guild (SPOG) Collective Bargaining Agreement (CBA) and on OPA's website. Rapid Adjudication is an option for employees who are willing to acknowledge their conduct was inconsistent with policy and accept discipline without undergoing a full investigation by OPA. Rapid Adjudication can be initiated either by a named employee or by OPA.

In 2022, two cases were sent to OIG requesting review for Rapid Adjudication. Although OIG fully certified both cases, one case was ultimately not processed as a Rapid Adjudication because the Named Employee left the Seattle Police Department. The case classified as Rapid Adjudication and the re-classified case is counted in Table 5.1.

### **Mediation**

OPA may offer Mediation to Complainants and Named Employees to resolve disagreements, especially those involving possible miscommunication or misperception, with the guidance of a neutral third party. When accepted by both parties, mediation provides final resolution of the case.

In 2022, no cases were successfully resolved by OPA through this alternative resolution program. OIG will continue to review this program and its implementation going forward. While Mediation is not appropriate for some allegation types, OIG encourages OPA to continue to develop and utilize this program. Mediation offers Complainants the opportunity to directly engage with an SPD employee to share their perspective, gain understanding, and ideally is a positive opportunity to foster public trust and understanding.

### **Bias Reviews**

Bias allegations and bias-free policing are integral to police accountability and public trust, as evidenced by the need for reform in this area described in the 2012 Consent Decree. While Bias Reviews are technically not an OPA classification, they are one of two processes by which biased-based policing allegations against SPD personnel can be addressed. The second process is to file a complaint directly with OPA.

Bias Reviews are an internal process specified in SPD policy. When a community member alleges bias-based policing, a supervisor must be called to the scene to conduct a preliminary investigation. The reviewing supervisor, when able, discusses the allegation with the individual and provides an explanation of the option to file a complaint with OPA. If the individual does not ask that the matter be referred to OPA, and if the supervisor determines through a preliminary investigation that no misconduct occurred; the

supervisor will resolve the matter by filling out a Bias Review Template. If the individual does not cooperate with the Supervisor or has left the scene, the Supervisor is required by policy to review Body Worn Video to assess what occurred and complete the template. The completed templates are reviewed by the Chain of Command and by OPA, prior to being closed out.

When conducting retrospective sampling of Bias Review cases in 2022, OIG found concurrence with 98.6% of reviews conducted in this fashion, only disagreeing in one instance of the 74 sampled cases.

## Additional Themes

### **Staffing**

OPA underwent significant staffing changes in 2022. The OPA Director stepped down in January 2022, with the then Assistant Director of OPA serving as interim Director. In August 2022 a new OPA Director was hired. The office also lost two civilian investigations supervisors, whose positions were not filled in 2022. This left OPA with a pronounced deficit in leadership and civilian investigators.

### **OIG Investigations**

In 2022, OIG opened 12 cases from complaints received by the office. Of these cases, four were classified for investigation. These investigations were prevented from being closed in 2022 due to difficulties and the time involved with the backgrounding process for the Seattle Office of the City Auditor (OCA) who must review and certify OIG investigations before the Inspector General can issue findings.<sup>8</sup>

### **Chief of Police Complaints**

OIG and OPA identified an investigative gap in the accountability ordinance with no provision for the investigation of complaints against the Chief of Police. As a result, in 2022, the City Council passed City of Seattle Ordinance 126628, which provides both the authority to investigate the chief and guidance on doing so.

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<sup>8</sup> The backgrounding process for OCA was completed in the first quarter of 2023 and these cases are working their way through the OIG closing process.



## APPENDIX A

Ordinance 125315, §3.29.270.D

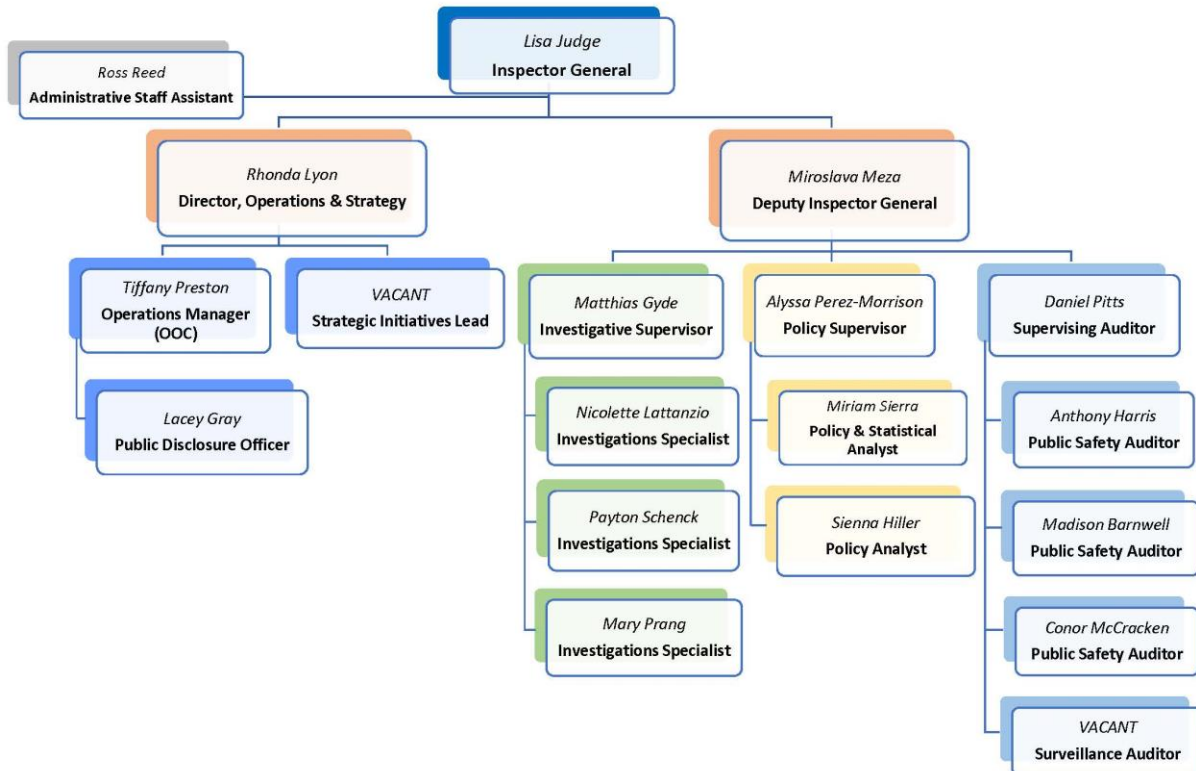
The Inspector General shall produce annual reports that are readily understandable and useful to policymakers. The annual report shall include, but not be limited to, the following:

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



# APPENDIX B

## Office of Inspector General



As of July 2022