SEATTLE POLICE DEPARTMENT

OFFICE OF PROFESSIONAL ACCOUNTABILITY

OPA Complaint Statistics 2008

Spring 2009

KATHRYN OLSON
DIRECTOR

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Section 1

EXECUTIVE SUMMARY

This report provides an overview of the complaints processed by the Office of Professional Accountability for 2008. Data are provided concerning specific allegations raised in these complaints, finding and discipline details, and case processing timelines. The report also covers information about the number of officers with single and multiple complaints and those with use of force complaints, and breaks down complaints by the rank of employees named. Where available, race and gender data of both complainants and named employees are summarized. Finally, a review of some best practices from other police departments was conducted and comparisons are made with the work of the OPA and Seattle Police Department.[1]

OPA continues to improve its triaging efforts: In line with recommendations from the Mayor's Police Accountability Review Panel (PARP), OPA continues to focus its investigative resources on more serious claims of misconduct through effective triaging of complaints and continued development of its mediation program. Thus, though OPA intake continues to slowly rise, most contacts involve requests for information or referrals, or are referred to the named employee's supervisor, and are not classified for full investigation. Complaints involving more serious misconduct allegations are either referred to the officer's chain of command as a Line Investigation or investigated by the OPA-Investigations Section (OPA-IS). There has been a slight increase in the number of cases referred for investigation, though the percentage of investigated claims relative to the total number of OPA contacts is down slightly.

OPA has decreased the amount of time it takes to investigate cases and is addressing other timeline related issues: OPA is committed to addressing concerns raised by both complainants and officers about the amount of time involved with investigating cases. The average length of time it takes an OPA-IS investigator to complete the fact gathering stage has steadily dropped to 52 days, but review and administrative processing can double or even triple the overall time involved with completing a case. Thus, the "birth to death" average

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[1] Historically, the OPA Annual Report was compiled with information that was approximately 12-18 months old, allowing all cases filed in a specific year to be closed prior to reporting. In an effort to bring more current information to the public, OPA began transitioning last year to a schedule of reporting data on a calendar year basis. As OPA continues through the transition process, data reported for 2008 may include some slight overlap with information provided for earlier years. However, OPA is confident that reporting on a calendar year basis will facilitate a more relevant and timely dialog about issues of police conduct.

completion time for cases closed during 2008 was approximately 173 days, which is lower than in previous years but still higher than ideal.[2] OPA has identified discrete case processing steps to address bottleneck points, and is working to change its computerized tracking system to allow for more detailed analysis of the various administrative and review functions involved.

By ordinance approved July 20, 2008, OPA is required to report on instances in which no discipline results from a complaint because the 180-day time limit was exceeded.[3] In 2008, there were two complaints in which discipline did not result from a Sustained finding because questions arose as to how to count the 180 days when a supervisor is initially aware of facts that later are incorporated into an OPA complaint. After grievances were filed, the Department ultimately settled the cases; the Sustained findings were changed to Supervisory Intervention and no discipline was imposed. The Department and SPOG also entered an agreement clarifying the circumstances under which receipt of an OPA complaint by a sworn supervisor (rather than by OPA directly) starts the 180-day clock.[4] In an effort to avoid 180-day timeline issues in general, OPA has begun to use the date of the underlying incident, rather than the complaint receipt date, as an internal measure for computing time.

OPA and Human Resources are developing systems to better track Sustained cases: Where there is a Sustained finding in a misconduct complaint, SPD Human Resources handles the administrative steps associated with discipline, and remains involved if an officer appeals. OPA and HR are developing systems to better track Sustained cases and any discipline imposed. The two units also are working to address legal and contractual issues impacting the quality of OPA investigations and 180-day deadline issues, and are continually assessing consistency in discipline.

However, it is clear from reviewing OPA Sustained cases appealed in 2008 that the Department cannot always predict whether its findings or the disciplined imposed will be upheld. For example, the Chief of Police agreed with OPA's

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[2] This figure excludes criminal cases in which timelines were tolled.

[3] There is no specific requirement that investigations be completed within a set amount of time, unless there is a Sustained finding and discipline is to be imposed. No discipline may result if the investigation of the complaint is not completed within 180 days after receipt of the complaint by the OPA or by a Department sworn supervisor. In cases involving discipline, the 180-day "clock" runs from the date a complaint is received until notice of a proposed Sustained finding and discipline is sent out by the Department. Thus, this 180-day calculation includes investigative and much of the administrative and review time, but the clock is stopped for the *Loudermill* due process meeting, final discipline notice and any appeal time involved.

[4] The issue of supervisory receipt of a complaint and the 180-day deadline was raised in a third case decided in 2008 that is going to hearing, as there is an additional factor involving the interplay between the Firearms Review Board and OPA investigation process.

recommendation to Sustain two force complaints in 2008.[5] The Chief's decision to terminate one of the employees involved was subsequently overturned by the Disciplinary Review Board, though the employee's use of force was found by the Board to be "convincingly proven" and "especially disturbing." In part because it concluded that two other Sustained findings of misconduct against the employee were not proven, and despite acknowledgement that the employee's record included numerous disciplinary actions, the DRB determined that thirty days suspension without pay was a reasonable penalty.

The Department adopted a new provision regarding complaints of dishonesty: In response to another PARP recommendation, the City negotiated a provision in the current collective bargaining agreement with the Seattle Police Officers Guild (SPOG) that creates a presumption of termination if there is a Sustained finding on a complaint of dishonesty based on clear and convincing evidence. There were two cases closed in 2008 involving allegations of officer dishonesty, both resulting in termination or resignation in lieu of termination. Both of these cases were Sustained prior to implementation of the new SPOG provision.

Officers with policy violations not involving willful misconduct increasingly are referred for training and counseling: Supervisory Intervention (SI) findings increased by 6% in 2008. Many instances of police action reviewed by OPA are not clearly misconduct but the underlying facts indicate that training for the officer involved would be useful. The Supervisory Intervention finding allows for well-intentioned mistakes made in the performance of law enforcement duties to be addressed by education and counseling, rather than punishment. Given that the Sustained findings rate has also risen slightly, it appears that the SI finding is being used for cases that earlier might have been Exonerated, Not Sustained or Unfounded. OPA will continue to look for opportunities to promote training, on the individual and department-wide level, and is exploring adult learning discipline models used by other police departments.

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[5] A number of other complaints raising force related allegations were referred for a Supervisory Intervention; i.e., a determination was made that even if a policy violation was involved, it was not willful and/or training or counseling with the employee was recommended.

Section 2

Complaint Intake and Classification

OPA intake continues to slowly rise, from 1132 complaints in 2006 to 1319 in 2008. However, most of these "complaints" are actually requests for information or referrals, or are referred to the named employee's supervisor, and are not classified for full investigation.

All complaints and other contacts with OPA are triaged upon receipt and classified into one of five categories:

1. **OPA Investigation Section (IS)** complaints are more complex and involve more serious allegations, including use of force allegations, and are investigated by OPA-IS.
2. **Line Investigations (LI)** complaints involving minor misconduct are investigated by the officer's chain of command.
3. **Supervisory Referral (SR)** complaints are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.
4. **Preliminary Investigation Report (PIR)** complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.
5. **The Contact Log (CL)** classification is used for OPA communications that do not involve misconduct, but are requests for information, referrals, etc.[6]

A single complaint filed with OPA can involve multiple allegations and multiple complainants or officers. Efforts have been made to improve the intake and classification review process to more precisely identify the allegations involved with each complaint, such that the overall number of allegations made in 2008 actually decreased.

The OPA Director and Auditor review triage classification decisions, along with regularly assessing Contact Log records, completed Supervisory Referrals, and Line and OPA-IS investigations. The Director can change the recommended classification of any particular complaint and also refer a case to mediation at the triaging stage.

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[6] The precise definitions of these classifications vary among the SPD Policies and Procedures Manual, Section 11.001, Public and Internal Complaint Process (previously SPD Policy Section 1.117) and published OPA reports. The OPA strives to consistently use the definitions noted above and is working to make appropriate changes to the SPD Policy Manual.

The following chart summarizes OPA intake since 2006, along with the aggregate classification information.

OPA Intake 2006-2008

Intake Classification		2006	2007	2008
OPA-IS Investigations		147	152	157
Line Investigations		23	14	18
Supervisory Referrals		86	97	71
Mediation		13	24	21
Preliminary Investigation Reports		282	316	279
Contact Log		581	598	773
Total Intake		**1132**	**1201**	**1319**

Chart 2-1

As seen in Chart 2-1, in 2008, nearly 59% of total intake involved matters classified as a "Contact Log" and, thus, were resolved at intake. This figure is up from the 51% of cases classified as Contact Logs in 2006.

Cases classified as "Preliminary Investigation Report (PIR)" or "Supervisory Referral (SR)" both increased between 2006 and 2007 and decreased in 2008. PIR complaints involve police action that would not constitute misconduct but are sent to the named employee's supervisor for follow up as appropriate. Complaints involving minor misconduct and/or signifying a training need are often classified as an SR; the supervisor informally investigates the situation with the complaining party and named employee to work out a resolution, and provides counseling and training as needed. Given OPA's increased attention to triaging in 2008, cases that in earlier years were classified as PIR or SR might now be resolved at intake (classified as a Contact Log) or upgraded to a higher classification.

Complaints involving more serious allegations of misconduct are either referred to the officer's chain of command as a Line Investigation or investigated by the OPA-IS. There has been a slight increase in the number of cases referred for a full OPA-IS investigation, from 147 in 2006 to 157 in 2008. Though cases referred for Line Investigations (LI) dropped from 23 to 14 between 2006 and 2007, the number moved back up to 18 in 2008. The combined percentage of complaints referred for a Line or OPA-IS investigation has decreased slightly from 15% in 2006 to 13.2% of the total number of OPA complaints filed in 2008. Again, this change might reflect improved triaging.

Section 3

Allegations by Classification

A. Preliminary Investigation Report (PIR) Allegations

A complaint classified as a Preliminary Investigation Report (PIR) involves police action that would not constitute misconduct and is referred to the employee's supervisor for review and follow up. PIRs are further categorized into 19 different issue categories, depending on the facts involved, as summarized below.

		2006	2007	2008
Total Complaints Classified as PIRs		282	316	279
#	**PIR Issues**			
1	Service Quality	87	108	72
2	Possible Mental Issues	36	10	20
3	Disputes Report/Citation	84	61	42
4	Biased Policing: Traffic	10	15	4
5	Biased Policing: Other[7]	18	13	5
6	Attitude/Demeanor	91	90	69
7	Inquiry/Request/Referral	72	63	7
8	Discretion in Enforcement	37	40	73
9	Off-Duty Traffic Control	0	1	1
10	Demonstrations	1	0	1
11	Special Events	0	1	1
12	Sporting Events - SAFECO	0	3	1
13	Sporting Events - Seahawks	0	0	3
14	Sporting Events - Key Arena	0	0	0
15	Workplace Issues	7	4	5
16	Private Conduct	6	7	10
17	Traffic Violation by Officer	14	4	12
18	Search and Seizure	14	11	13
19	Other	7	19	25
	Total Number of Issues	484	450	364

Chart 3-1

Note: Both primary and secondary issues are included.

The overall number of complaints classified as PIR and allegations involved are down for 2008. While allegations involving Service Quality, Attitude/Demeanor, and Disputes about Reports or Citations dropped, these issues were still common in cases referred for PIR.   Allegations related to Discretion in Enforcement increased in PIR designated complaints.

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[7] Category 5 includes allegations of either prejudicial or preferential treatment based on bias.

Total Complaints Classified as PIRs 2006/2007/2008

Legend:
- Service Quality
- Possible Mental Issues
- Disputes Report/Citation
- Biased Policing: Traffic
- Biased Policing: Other[1]
- Attitude/Demeanor
- Inquiry/Request/Referral
- Discretion in Enforcement
- Off-Duty Traffic Control
- Demonstrations
- Special Events
- Sporting Events - SAFECO
- Sporting Events - Seahawks
- Sporting Events - Key Arena
- Workplace Issues
- Private Conduct
- Traffic Violation by Officer
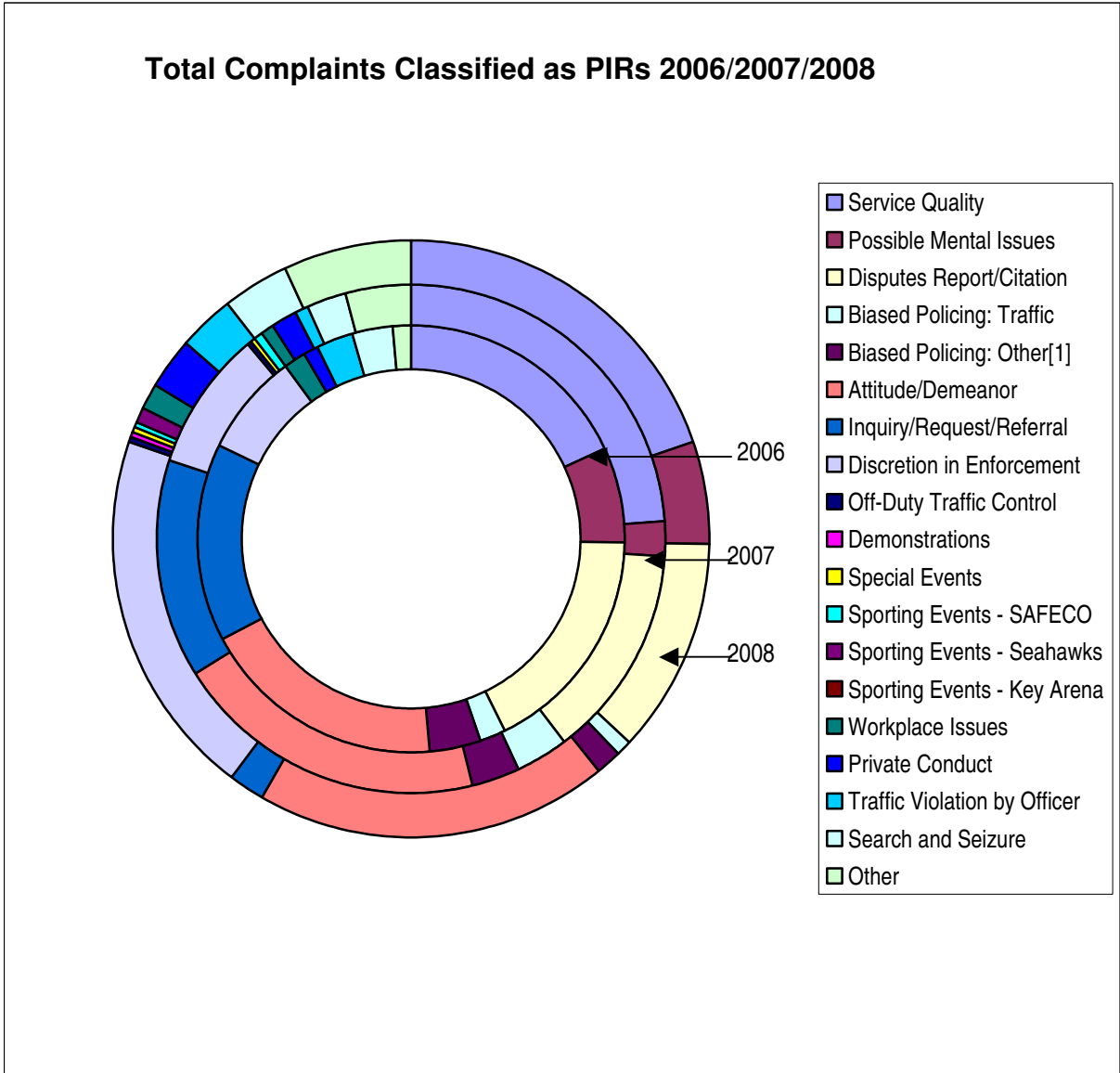- Search and Seizure
- Other

Chart 3-2

B. Supervisory Referral (SR) Allegations

The following charts summarize the different types of allegations raised in complaints categorized as a Supervisory Referral (SR). The Supervisory Referral classification is used when minor misconduct is alleged or there is a training gap to be addressed by the supervisor. In 2008, the number of complaints classified for SR decreased, as did the total number of allegations involved. Misconduct involving Officer Discretion, Courtesy, and Violation of Rules and Regulations were the most common allegations raised in SR cases in 2008.

Note that the total number of allegations will be higher than the total number of complaints, as shown in the previous chart, because one complaint may contain multiple allegations.[8]

Number and Types of Allegations in Cases Assigned for Resolution by Supervisory Referral			
Total Supervisory Referrals	86	97	71
Type of Allegation	No. Of Allegations	No. Of allegations	No. Of allegations
	2006	2007	2008
Courtesy	61	46	18
Violation of Rules and Regulations	19	22	17
Bias	6	0	1
Improper Language	3	4	3
Discretion	20	26	27
Reports/Evidence	8	15	5
Duty to Identify	6	9	2
Other	9	6	7
TOTAL[9]	132	128	80

Chart 3-3

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[8] Information for Supervisory Referrals prior to 2006 is available in the 2006-2007 OPA Statistics Report.
[9] The "other" category in 2006 includes: 2 allegations concerning traffic stops, 2 allegations concerning conflicts of interest, 1 allegation involving off-duty conduct, 3 allegations concerning respectful workplace, and 1 allegation concerning the responsibility of supervisors. The 2007 "other" category includes: 4 allegations concerning traffic stops, 1 allegation concerning conflict of interest, and 1 allegation involving secondary employment. "Other" for 2008 includes: 3 allegations concerning traffic stops, 2 allegations concerning respectful workplace, 1 allegation involving the confidentiality of correspondence, and 1 allegation concerning honesty.
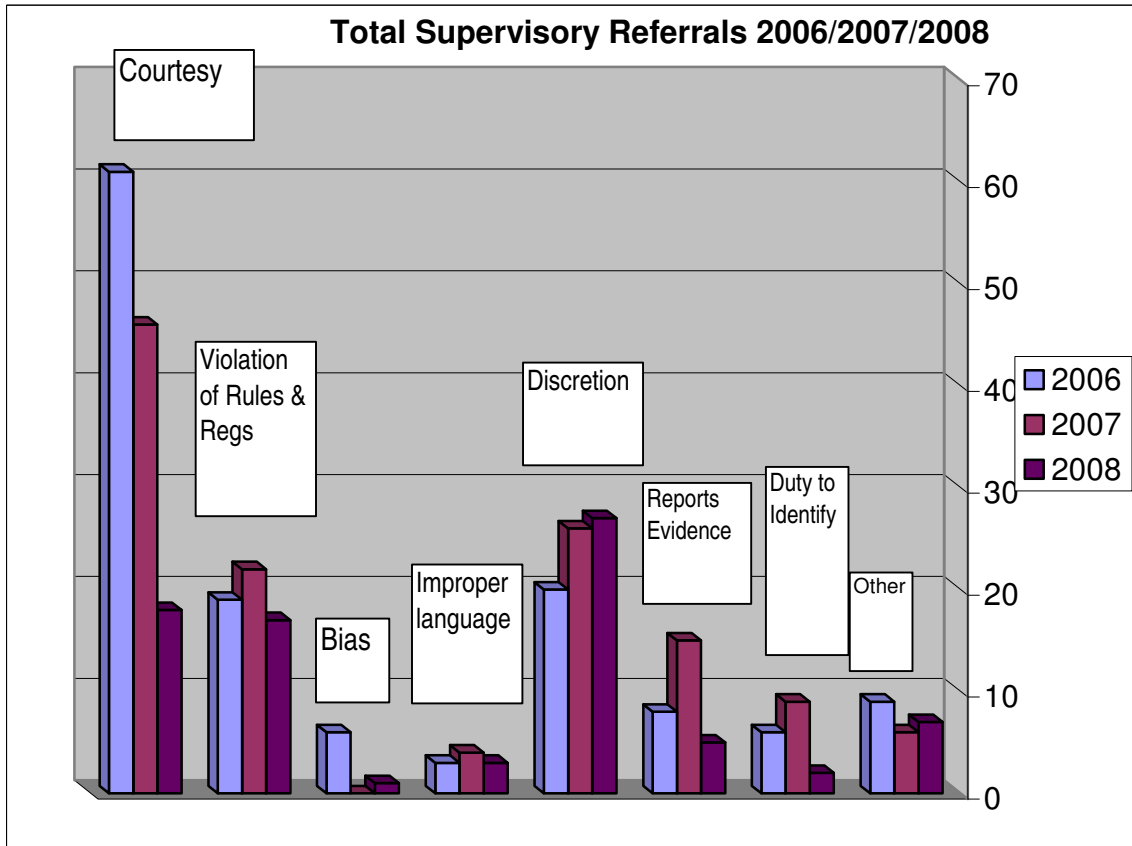
Total Supervisory Referrals 2006/2007/2008

Chart 3-4

C. Line Investigation (LI) Allegations

OPA complaints classified as a Line Investigation (LI) involve what appears at intake to be minor misconduct and are investigated by the officer's chain of command. As seen with other classifications, the total number of allegations will be higher than the number of complaints because one complaint may contain multiple allegations.

	2006	2007	2008
Total Complaints Classified as Line Investigations	**23**	**14**	**18**
Allegations in LI Complaints			
Standards & Duties 1.003			
Rules & Regulations		1	1
Insubordination	1		
Honesty	1		
Exercise of Discretion	9	7	5
Courtesy	15	4	4
Traffic Stops	2	1	1
Duty to Identify	7		
Derogatory Language	2		3
Profanity	5	3	2
Completion of Reports, Evidence & Actions	3	1	1
Alcohol & Substance Use 1.089			
Wearing Recognizable Police Uniform on Premise		1	
Department E-Mail Policy 1.349			
Violation of Rules		1	
Arrest Procedures 2.001			
Notification of Supervisor	1		
Miranda 3.005			
Rights Read at Time of Arrest	2		
Collision Investigations (Mandatory Reporting) 3.045			
Violation of Rules		1	
Enforcement Action		1	
Duty to Investigate		1	2
Searches-General 6.180			1
Secondary Employment 5.120			1
In-Car Camera Video			1

	2006	2007	2008
Evidence/Property 7.020			1
Unauthorized Absence 4.010			1
TOTAL	48	22	24

Chart 3-5

D. OPA-IS Investigation Allegations

Complaints involving complex or more serious allegations of police misconduct, including Use of Force allegations, are investigated by OPA-IS.

	2006	2007	2008
Total Complaints Classified as OPA-IS[10]	147	152	157
Allegations in OPA-IS Complaints			
Standards & Duties 1.003			
Rules & Regulations	5	8	10
Insubordination	6	1	1
Responsibility of Supervisors	2	4	3
Violation of Law (Admin Case)	27	9	16
Violation of Law (Outside Agency)	1	7	4
Violation of Law (SPD Case)	4	7	8
Collective Bargaining Agreement	3		
Honesty	11	5	6
Integrity	1		1
Integrity-Conflicts of Interest	4		3
Integrity-Employee Associations	1		
Integrity-Misuse of Authority	8	3	2
Integrity-Gratuities		2	
Exercise of Discretion	15	24	20
Criticism of Others	1		
Reporting Misconduct	2		
Courtesy	28	22	17
Traffic Stops	1	3	1
Duty to Identify	17	3	11
Derogatory Language	19	6	9
Profanity	17	12	5
Respectful Workplace	5		2
Completion of Reports, Evidence & Actions	3	4	1

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[10] As with other classifications, any one complaint can contain multiple allegations such that the total number of allegations in Chart 3-6 will be higher than the total complaints noted for each year.

	2006	2007	2008
Unbiased Policing 1.010			
Policy Violations	12	3	4
Criminal Case 1.069			
Appearing as a Defense Witness	1		
Case Testimony	1		
Alcohol & Substance Use 1.089			
Intoxicants	1	1	
Wearing Recognizable Police Uniform on Premise		1	
Informant Management 1.101			
Rules and Regulations	1		
Complaint Process 1.117			
Misconduct Intervention	2		
Employee Responsibilities	1	1	
Failure to Cooperate with an Internal Investigation	5	4	
Reporting Requirements		1	2
Vehicle Pursuits 1.141			
Rules and Regulations	1	1	
Policy		2	
Use of Force 1.145			
Responsibilities	3		1
Policy	146	131	112
Department Vehicles 1.201			
Rules and Regulations		1	3
City Equipment 1.197			
Rules and Regulations	2		
Collisions Involving City Vehicles 1.205			
Rules and Regulations	3		
Absence from Duty 1.237			
Rules and Regulations	1	2	2
Illness and Injury 1.257			
Restrictions While on Sick Leave	1	1	
Secondary Employment 1.289			
Rules and Regulations	1		9
FTTAA			1
Department Records Access 1.333			
Rules and Regulations		1	2
Criminal Records 1.337			
Dissemination	1	1	2
Department E-Mail Policy 1.349			
Violation of Rules	2	2	
Primary Investigations-FTTAA 15.180			4
In-Car Video 1.354			
Rules and Regulations		2	
Arrest Procedures 2.001			

	2006	2007	2008
Notification of Supervisor	3		
Officer's Responsibilities	3	4	5
Social Contacts, Terry Stops & Arrests 2.010			
Social Contact Procedures	1		
Terry Stop Philosophy	2		3
Evidence & Property 2.049			
Policy	21	25	
Radio Procedure 12.010			1
Traffic Enforcement 2.081			
Demeanor/Courtesy	1		1
Warnings/Traffic Contact Reports	1	1	2
Detainee Management 6.070			1
Miranda 3.005			
Rights Read at Time of Arrest	1		
Interpreters 3.009			
Rules and Regulations		2	
Searches 3.017			
Rules and Regulations	5	1	21
Prisoner Handling 6.071			1
Strip Searches 3.021			
Rules and Regulations	5		
Body Cavity Searches 3.025			
Rules and Regulations	2		
Criminal Trespass Admonishment 17.110			1
Discharge of Firearm 3.040			
Reporting Responsibilities		1	
Collision Investigations (Mandatory Reporting) 3.045			
Duty to Investigate	1		
Arrest of Foreign Nationals		2	
Impound Policy		2	
TOTAL	**412**	**313**	**298**

Chart 3-6

Several observations can be made combining information from Charts 3-5 and 3-6 to consider allegations referred for LI or OPA-IS investigation:

(1) Complaints involving Use of Force are decreasing, as there were 146 allegations on this issue in 2006, down to 131 in 2007, and 112 in 2008. Given the seriousness of any force allegation, virtually all such complaints are investigated by OPA-IS. All instances where reportable force is used are monitored by an officer's chain of command, and any complaint growing out of an incident involving force receives another close review by OPA.

(2) Allegations related to Searches increased from only 1 in 2007 to 22 in 2008. A number of these complaints resulted in Sustained or Supervisory Intervention findings.

(3) While there were 21 and 25 complaints involving the handling of Evidence and Property in 2006 and 2007 respectively, there was only 1 allegation (classified as an LI) related to this issue in 2008.

(4) The number of complaints alleging violation of rules and regulations related to secondary employment increased from 1 in 2006 to 10 in 2008. In several cases, while investigating other allegations underlying a complaint, OPA discovered problems related to the Secondary Employment permitting process, resulting in Sustained findings on that issue.

OPA will work with Command Staff to determine if there is a need to conduct extra training throughout the Department on policies related to Searches and Secondary Employment, particularly if the trend in complaints filed on these issues continues.

Section 4

Findings

OPA-IS & LI Findings

There are eight findings used when closing completed cases. One case can have multiple findings if multiple allegations or multiple officers are involved. [11]

During 2008, 144 cases involving 257 allegations were completed through either a Line Investigation or full OPA-IS investigation. Of these cases, 13% were Sustained, meaning that a determination was made that the allegation of misconduct was supported by a preponderance of the evidence. The rate of Sustained findings rose from 9% in 2006, to 12% in 2007, to the current 13%.

The allegations involved in these Sustained cases are quite varied, including violations of policies governing access to and dissemination of departmental records, a variety of violations of law (e.g., DUI), misconduct related to an officer's exercise of discretion, failure to meet supervisory responsibilities, insubordination, misuse of authority, failure to complete reports, failure to follow SPD policy related to searches, and failure to meet secondary employment requirements. In addition, four of the Sustained cases involved allegations of unnecessary use of force or dishonesty.

Prior to 2008, SPD had not Sustained a Use of Force complaint since the OPA was created. However, despite the fact that the overall numbers of force allegations have dropped, the OPA Director and Chief of Police agreed to

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[11] A SUSTAINED finding means the allegation of misconduct is supported by a preponderance of the evidence. A SUPERVISORY INTERVENTION means, while there may have been a violation of policy, it was not a willful violation and/or the violation did not 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 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 EXONERATED finding. If the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence, the result is a NOT SUSTAINED finding. A finding of ADMINISTRATIVELY UNFOUNDED or ADMINISTRATIVELY EXONERATED can be made prior to the completion of the investigation when the complaint is significantly flawed procedurally or legally, or without merit; i.e., the complaint is false or the subject recants the allegations, preliminary investigation reveals wrong employee identified, or the employee's actions were found to be justified, lawful and proper and according to training. If the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations, there is an ADMINISTRATIVELY INACTIVATED finding. The investigation may be reactivated upon the discovery of new, substantive information or evidence.

Sustain two complaints involving force in 2008. Furthermore, a number of other complaints raising force related allegations were referred for a Supervisory Intervention; i.e., a determination was made that even if a policy violation was involved, it was not willful and/or training or counseling with the employee was recommended.

In response to a recommendation from PARP, the City negotiated a provision in the current collective bargaining agreement with the Seattle Police Officers Guild (SPOG) that creates a presumption of termination if there is a Sustained finding on a complaint of dishonesty based on clear and convincing evidence. Prior to implementation of the new SPOG provision, there were two cases closed in 2008 involving allegations of officer dishonesty, both resulting in termination or resignation in lieu of termination.

Supervisory Intervention (SI) findings were up to 19% in 2008, as compared to 13% in 2007. An SI finding is entered when there might have been a policy violation but it was not willful, and/or the violation did not amount to misconduct but training is appropriate. With an SI, the employee's chain of command provides necessary training or counseling, or involves subject matter experts to work with the employee. Many instances of police action reviewed by OPA are not clearly misconduct but the underlying facts indicate that training for the officers involved would be useful. The Supervisory Intervention finding allows for well-intentioned mistakes made in the performance of law enforcement duties to be addressed by education and counseling, rather than punishment. It appears that the SI finding is being used for cases that earlier might have been Exonerated, Not Sustained or Unfounded.

Chart 4-1 represents findings in cases opened or filed after January 1, 2008 and closed as of December 31, 2008. Chart 4-2 shows Sustained Cases by Allegation from January 1, 2008 and December 31, 2008. Charts 4-2 and 4-3 provide comparative data for 2006 and 2007.
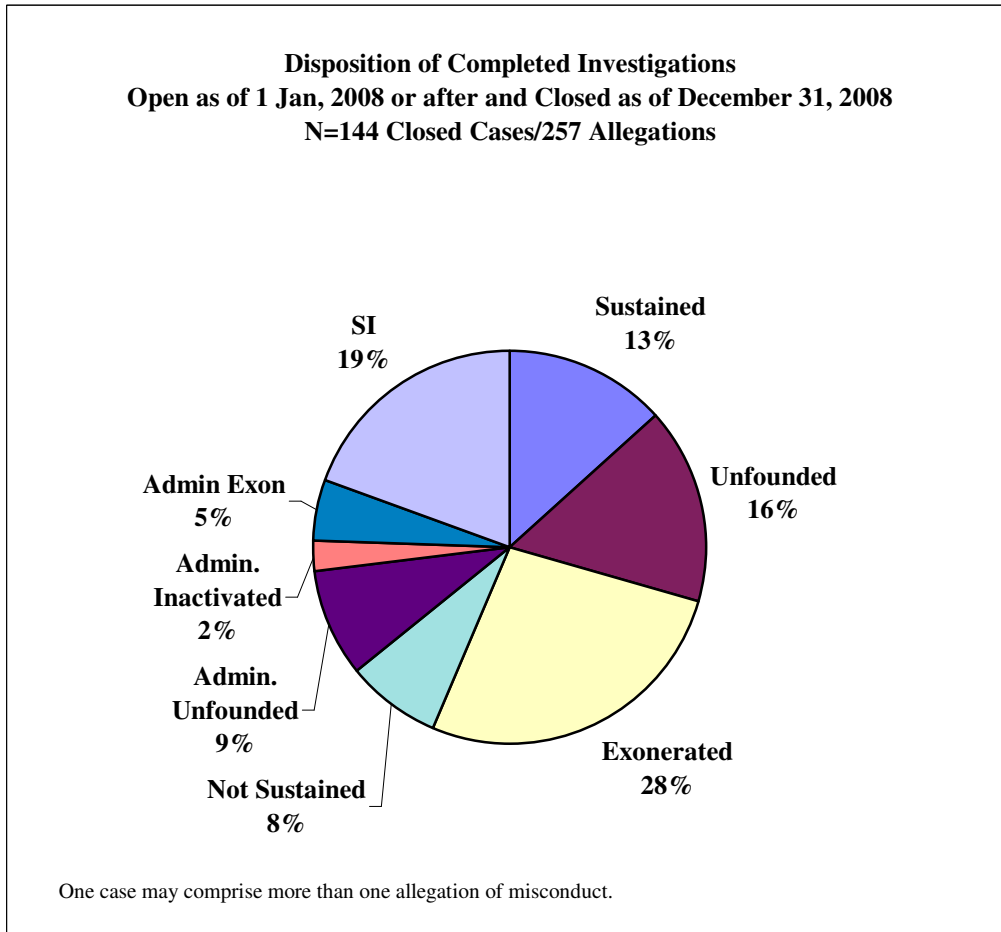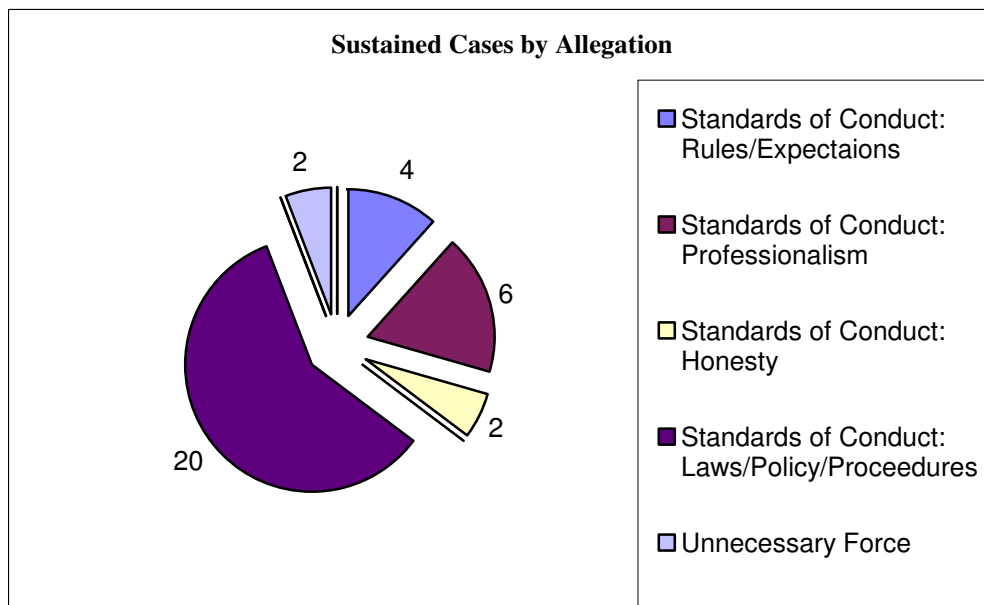
Disposition of Completed Investigations
Open as of 1 Jan, 2008 or after and Closed as of December 31, 2008
N=144 Closed Cases/257 Allegations

SI
19%

Sustained
13%

Admin Exon
5%

Unfounded
16%

Admin.
Inactivated
2%

Admin.
Unfounded
9%

Exonerated
28%

Not Sustained
8%

One case may comprise more than one allegation of misconduct.

Chart 4-1

Sustained Cases by Allegation

2

4

6

2

20

- ☐ Standards of Conduct: Rules/Expectaions
- ■ Standards of Conduct: Professionalism
- ☐ Standards of Conduct: Honesty
- ■ Standards of Conduct: Laws/Policy/Proceedures
- ☐ Unnecessary Force

Chart 4-2

Disposition of Completed Investigations
2007 Cases Closed Through 31 Dec 2008
N=146 Closed Cases/305 Allegations

Admin Exon 4%
SI 13%
Sustained 12%
Admin. Inactivated 2%
Admin. Unfounded 6%
Unfounded 24%
Not Sustained 7%
Exonerated 32%

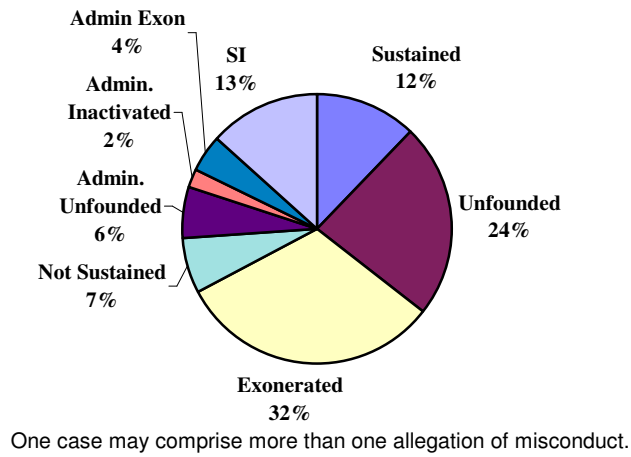One case may comprise more than one allegation of misconduct.

Chart 4-3

Disposition of Allegations in Completed Investigations
2006 Cases Closed through 31 Dec 2007
N=159/404 Allegations

Admin Exon 0%
SI 12%
Admin. Inactivated 1%
Sustained 9%
Admin. Unfounded 5%
Unfounded 33%
Not Sustained 14%
Exonerated 26%

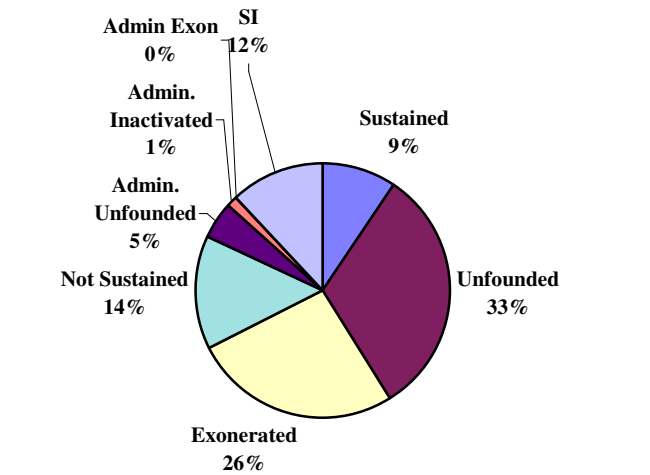One case may comprise more than one allegation of misconduct.

Chart 4-4

Section 5

DISCIPLINE

The table below compares information on the type of discipline imposed in 2007 and 2008 following Sustained findings in OPA complaints. The information represents final decisions following any appeal that might have been involved.

SPD Sworn Employees Disciplined 2007-2008[12]

SMC 3.28.810(G) charges the OPA with providing analysis to the Chief of Police regarding disciplinary action in order to promote consistency of discipline. The OPA has stepped up its coordination with the Department's Human Resources Department to monitor the implementation of discipline, track appeals of discipline, and strive for consistency in discipline.

SPD Sworn Employees Disciplined 2007-2008		
Type of Disciplinary Action	**Number of Times Discipline Imposed**	**Number of Times Discipline Imposed**
	2007	2008
Termination	1	2
Demotion		
Suspension	12	7
Written Reprimand	12	9
Oral Reprimand	1	2
Transfer		1
Resigned in Lieu of Termination		1
Retired in Lieu of Termination		1
TOTAL	**26**	**23**

Chart 5-1

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[12] Information concerning discipline prior to 2007 is available in previous statistics reports. Single incidents reported in Chart 5-1 may include multiple employees.

Section 6

Investigative Timelines

Average Length of Time for Investigative Fact Gathering

Complainants and named officers have raised concerns about timeliness in the completion of investigations by OPA. OPA has responded to such concerns and the average length of time it takes an investigator to complete fact gathering in an investigation is dropping, as reflected below. Note: the below table only reflects actual investigative time and does not include administrative processing and review time required for all cases.
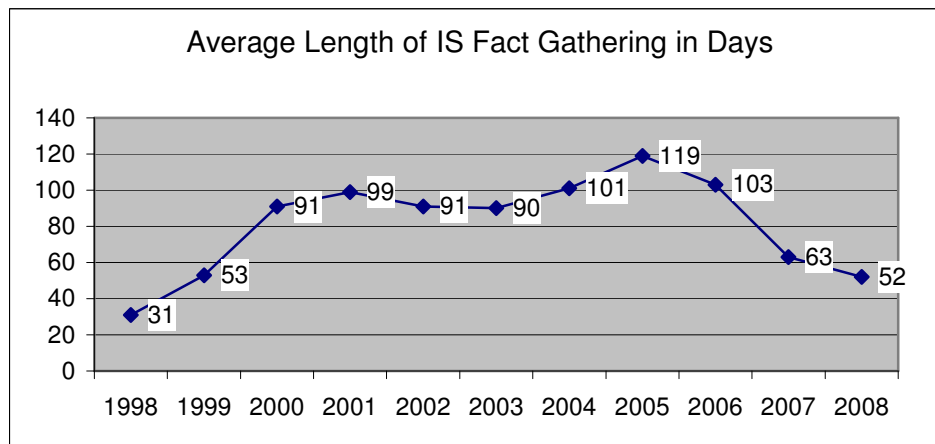

Chart 6-1

Because OPA has not historically tracked all steps taken when a case is filed, we have begun to look at the totality of the investigative timeline, not just fact gathering time as reflected above. OPA has been studying a sampling of cases closed during 2007 and 2008, working to identify all of the discrete steps involved in case processing, including administrative and review requirements. Initial calculations find that the administrative processing time and supervisory review time are approximately double the investigative time. Thus, the "birth to death" average for all cases closed during 2008 was 172.6 days.[13]

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[13] Criminal cases with extensive review time outside the scope of OPA were excluded from this average.

Section 7

OFFICER SPECIFIC INFORMATION

Complaints per Officer

As in previous years, the majority of SPD officers, nearly 80%, had no complaints filed against them with the OPA. Of those who did receive a complaint, 17 out of approximately 1300 sworn officers received two complaints in 2008, while 12 officers received three or more.

Chart 7-1 summarizes information on the number of officers with single and multiple IS and LI complaints for 2004 through 2008.

Officers with Multiple Complaints

Officer Complaint Category	Number of Officers in 2004	Number of Officers in 2005	Number of Officers in 2006	Number of Officers in 2007	Number of Officers in 2008
Officers with two complaints	32	40	34	29	17
Officers with three or more complaints	11	17	6	9	12
Total Employees	**43**	**57**	**40**	**38**	**29**

Chart 7-1 Seattle Police Department, 2004-2008   *Complaints may name more than one officer   (LI/IIS cases only)

Using Strength Average @ 1300 officers

2007	2008
• 79.8% of officers had no complaints • 17.2% had 1 complaint • 2.2% had 2 complaints • < 1% had 3 complaints (no employee had more than three complaints in 2007)	• 79.6% of officers had no complaints • 18% had 1 complaint • 1.3 % had 2 complaints • < 1% had 3 or more complaints

Chart 7-2   Chart 7-3

Use of Force Complaints per Officer

The number of officers receiving one Use of Force complaint increased steadily from 76 to 111 between 2004 and 2007, and then dropped to 98 in 2008. None of the employees who received two or more force related complaints in 2007 also received two or more complaints in 2008. In 2008, only one employee had more than three force complaints as compared to none in 2007.

Third-party witnesses filed 27.5% of the Use of Force complaints received by OPA, while the subject on whom the force was used was the complainant in approximately 61% of the cases.[14]

Chart 7-4 notes the number of officers with single and multiple force complaints for 2004 through 2008.

Officer Complaint Category	Number of Officers in 2004	Number of Officers in 2005	Number of Officers in 2006	Number of Officers in 2007	Number of Officers in 2008
Officers with one use of force complaint	76	73	90	111	98
Officers with two use of force complaints	16	30	18	11	7
Officers with three or more use of force complaints	9	7	4	2	7
Total complaints	**101**	**110**	**112**	**124**	**112**

Chart 7-4   Seattle Police Department, 2004-2008   *Complaints may name more than one officer   (LI/IIS cases only)

EMPLOYEE INFORMATION

The data presented in charts 7-5 and 7-6 provide information about the SPD employees named in complaints in 2008 where such information is available. Since the majority of contacts with OPA are resolved at intake, i.e. classified as Contact Logs, background information about employees involved is not recorded. Thus, the information presented below represents data collected in cases classified as Preliminary Investigation Reports, Supervisory Referrals, Line Investigations or OPA-IS Investigations.

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[14] Information on the status of the complainant was not recorded in another 11.5% of the cases.

Race/Ethnicity and Gender Data for Named Employees

Employee Information: Chart 7-5 provides race/ethnicity and gender data for employees named in 2008 OPA complaints classified as PIR, SR, LI or OPA-IS.

Race/Ethnicity	Gender	Total
American Indian/Alaskan Native	M	3
	F	0
Asian/Pacific Islander	M	34
	F	14
Black	M	54
	F	10
Hispanic	M	27
	F	4
White	M	396
	F	59
Unknown/Not Specified		90

Chart 7-5

Employees by Rank

Chart 7-6 is a breakout by rank of employees named in 2008 OPA complaints classified as PIR, SR, LI or OPA-IS. The total number of employees is larger than the number of complaints because a single complaint can name more than one employee.

Rank	Number	% of Total Named Employees N=734	% of Total Named Employees v. Complaints N=574*
Lieutenant	1	.013%	.018%
Sergeant	15	2.04%	2.74%
Detective	24	3.26%	4.39%
Officer	227	30.92%	41.54%
Parking Enforcement	26	3.54%	4.76%
Civilian	8	1.08%	1.46%
Unknown Employee	393	53.54%	71.9%
TOTAL	**734**		

Chart 7-6

2008 Complaints by Precinct

The data presented in Charts 7-7 and 7-8 breaks out complaints classified as SR, LI or OPA-IS by precinct where they were initiated. The West Precinct has more complaints relative to other precincts, which is likely explained by the fact that the West Precinct covers downtown Seattle and other areas generating more police activity. Conversely, the Southwest Precinct reports far fewer offenses and also has far fewer OPA complaints. All precinct commanders receive regular feedback from OPA about complaints received concerning their areas of command.

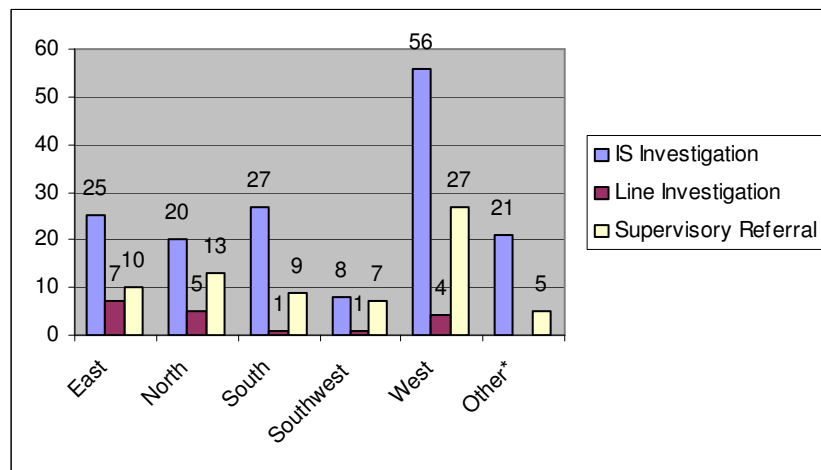| Complaint	East	North	South	Southwest	West	Other*	Total
IS Investigation	25	20	27	8	56	21	157
Line Investigation	7	5	1	1	4		18
Supervisory Referral	10	13	9	7	27	5	71
Total	42	38	37	16	87	26	246

Chart 7-7

Chart 7-8

*Complaints generated from outside Seattle City limits

Section 8

Complainant Specific Information

Race/Ethnicity and Gender Data for Complainants

The data presented in Chart 8-1 represents complainant information for 2008 where known; race/ethnicity and gender information is sometimes not made available by the complainant or is not sought by OPA. Since the majority of contacts with OPA are resolved at intake (Contact Logs), it is often not easy to determine the race/ethnicity or even gender of many complainants. Nonetheless, OPA needs to develop better mechanisms to collect and record such information regardless of case classification.

Complainant Information: Chart 8-1 provides race/ethnicity and gender data, where available, for complainants in 2008 OPA cases classified as PIR, SR, LI, or OPA-IS.

Race/Ethnicity	Gender	Total
American Indian/Alaskan Native	M	3
	F	1
Asian/Pacific Islander	M	7
	F	5
Black	M	50
	F	20
	UNK	2
Hispanic	M	3
	F	3
White	M	102
	F	36
	UNK	1
Unknown/Not Specified	M	102
	F	78
	UNK	142

Chart 8-1

The average age of the above complainants (computed from known/reported data) was 43 years old.

Section 9

Review of Best Practices

In 2008, the OPA undertook a review of Audits and Annual Reports issued by Portland, Oregon and Austin and San Antonio, Texas to review performance data and operational processes in the police departments of these three cities to determine if there were any "best practices" for Seattle to consider. While the models of civilian oversight in each city are different from each other's and Seattle's, there continues to be overlap in the issues and concerns encountered by all of our programs.

General Issues of discussion:

Complexity of the systems: As with Seattle, these three agencies are looking to simplify the investigative process while continually promoting transparency. Data distribution and issues of access, convenience, and documentation of internal practices were among the common themes with the agencies reporting. Similarly, OPA continues to review and assess its operating policies and practices, looking for ways to address timeline concerns while ensuring that cases are investigated in a thorough and fair manner. OPA also recognizes that it needs to improve its data collection on race/ethnicity and gender for named employees and complainants.

Use of Force: The issue of force (or "response to resistance" as one agency defined it) continues to be of concern to all police conduct oversight agencies. Seattle, at the suggestion of the OPA, is reviewing its Use of Force policy and attempting to clarify definitions used. Taser use is also a common issue of concern seen in the reports of the three agencies reviewed. Though SPD has a Taser use review process and regularly reports out on Taser related issues, OPA remains interested in learning more about concerns associated with this less-lethal weapon. Other shortcomings related to force issues noted by the three agencies were not issues in Seattle.

Discipline: Reviewing the discipline process and ensuring fairness and equitable treatment (and consistency) is an on-going priority in Seattle, as it is with the agencies reviewed. The issue of discipline matrixes (a system of predetermined discipline for specific behaviors) is one that frequently comes up in discussions of police oversight, though SPD has not elected to use this approach for a variety of reasons. As noted elsewhere in this report, OPA is working with Human Resources to better monitor Sustained cases and to assess consistency in discipline.

Mediation: This alternative form of conflict resolution continues to receive interest and many departments are looking at mediation to supplement and augment the traditional investigative process for complaint resolution. OPA's approach to mediation has been recognized as a national model and we are frequently asked to assist other agencies in the development of similar programs. Seattle's 2008 Mediation report will be released shortly and will be available at the OPA web site.

Transparency and Public Outreach: Seattle and the three agencies reviewed all are committed to working towards the goal of transparency through public outreach. As it continues its on-going outreach, OPA also is coordinating with the OPA Review Board as it increases its efforts on this front. The OPA brochure and complaint process descriptions are now available in nine different languages. In response to concerns from the community, in the fall of 2008, the OPA-Investigations Section relocated outside of police facilities. Also during 2008 and in response to a PARP recommendation, OPA expanded its intake sources to include the Seattle Office of Civil Rights, providing training and yet another conduit for complaint receipt (OPA initiated a similar process with the Citizen's Service Bureau in 2006).

Training: Issues related to training for both civilian oversight staff and patrol officers was a common theme raised by the three agencies reviewed. In 2008, OPA developed specialized training for OPA-IS staff, including a two-day training using internal and external subject matter experts. In the fall of 2008, OPA participated in a "train the trainer" program aimed at bringing a new racial profiling training program into SPD. Also, in order to expand the pool of mediators available to handle OPA mediations, OPA also arranged for specialized training on mediating police misconduct complaints. As individual cases are investigated and reviewed, training recommendations for named officers and SPD personnel in general are made as appropriate.

Section 10

Conclusion

OPA continues to look for ways to focus its investigative resources on serious cases of misconduct and to address timeliness concerns. Though the overall number of contacts with OPA continues to rise, successful efforts have been made to properly classify cases at the outset, and to more precisely identify the allegations involved with each complaint. In 2008, OPA also reduced the average amount of time involved with investigative fact gathering, and will continue to work in 2009 to reduce the time associated with administrative processing and review of cases.

The vast majority of police actions do not involve misconduct and most complaints filed with the OPA will not result in a Sustained finding. However, rather than focusing only on misconduct and discipline, OPA also looks for opportunities to refer officers for training. In 2008, Supervisory Intervention findings increased to 19% of all cases investigated. OPA continually works with Command Staff and various SPD units to identify issues on which officers would benefit from training. OPA is also assessing discipline approaches used in other agencies which promote adult learning models.

OPA and personnel from Human Resources are working together to develop systems to better track Sustained cases and to identify and address procedural, contractual, and legal issues that arise with misconduct complaints. Several 2008 cases demonstrated the complexity of complaint processing, and efforts will be made in 2009 to improve the systems involved.

As it has considered the lack of information available in a significant number of cases concerning the race/ethnicity and gender for named employees and complainants, OPA recognizes that it needs to improve its data collection on this front. Steps will be taken in 2009 to better understand and address difficulties in collecting this information.

OPA is coordinating its efforts with the OPA Auditor and OPA Review Board in a variety of ways. The Auditor and several members of the OPARB provided valuable feedback for this report, and OPA will work with them to consider whether any substantive policy or procedural issues covered here should be the focus of enhanced review in the coming year.