

SEATTLE POLICE DEPARTMENT



OFFICE OF
PROFESSIONAL
ACCOUNTABILITY

2009 OPA Complaint
Statistics Report

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Section 1

2009 OPA Complaint Processing Observations

The Office of Professional Accountability is charged with the task of investigating complaints of police misconduct involving the Seattle Police Department. Balancing citizen concerns with police officer rights in the investigation process is vital to a respectful relationship between the Seattle community and Department. OPA strives to ensure for all parties involved that misconduct complaints are investigated fairly, thoroughly, and expeditiously. Through rigorous investigations, officers are held accountable when they engage in misconduct and acknowledged for following policy when exonerated. The investigation process also provides an opportunity to review Departmental policy and training needs, regardless of individual case findings. OPA works towards transparency in its efforts by issuing a variety of reports, including an annual overview of complaint processing.

This report provides a summary of complaint allegations, finding and discipline outcomes, and case processing timelines for 2009, with comparative data for earlier years.¹ Information also is provided about the number of officers with single and multiple complaints, those with use of force complaints, and the rank of named employees. Where available, race and gender data of both complainants and named employees are summarized. An update on OPA's Mediation Program also is included.

A review of OPA complaint statistics leads to the following observations:

Fewer SPD officers received OPA complaints in 2009 than in previous years: The great majority of Seattle police officers work day in and day out serving the Seattle community without ever receiving an OPA complaint. In 2007 and 2008, approximately 80% of officers received no complaints, and this number rose to 85% in 2009. For the 15% of officers who did receive a complaint, the majority were exonerated or otherwise found not responsible for the misconduct alleged.

Though the number of contacts with OPA continues to rise, only a small percentage involve serious allegations of police misconduct: The number of overall contacts with OPA continues to rise, steadily increasing by about 100/year to 1442 in 2009. The great majority of OPA intake involves requests for information or referrals, or is handled by

¹ Information concerning complaint processing for other years is available in OPA's statistical reports at: <http://www.seattle.gov/police/OPA/Publications.htm>.



the named employee's supervisor. However, approximately 12% of OPA total contacts in 2009 (176 complaints) involved allegations of more serious misconduct. These cases were classified for full investigation, either by the named employee's chain of command (Line Investigation) or by the OPA Investigation Section (OPA-IS).

OPA closed significantly more cases in 2009: Though 176 complaints filed in 2009 were classified for full investigations, 198 cases involving 390 allegations (including cases carried over from 2008) actually were investigated and closed. The number of completed cases in 2009 was significantly higher than the past few years. For example, in 2008 OPA reported 144 closed cases involving 257 allegations of misconduct.

Approximately 12% of complaints closed in 2009 resulted in a Sustained finding, another 12% were closed with a Supervisory Intervention finding (where the employee is referred for training or counseling rather than disciplined), and the remaining 76% of cases were closed as Exonerated, Unfounded, Not Sustained or closed administratively. Of those complaints that were Sustained, 1/3 involved off-duty violations of law (e.g., DUI, disorderly conduct, or reckless driving).

Several of the Sustained or Supervisory Intervention findings in 2009 involved evidence/property handling. The overall number of complaints concerning this issue and allegations related to searches continue to be high. OPA will coordinate with the Training Unit to ensure that evidence/property handling and search issues are thoroughly addressed in SPD's annual Street Skills training program.

Complaints involving use of force continue to decrease: The most common complaint referred for full OPA-IS investigation involves an allegation of unnecessary use of force. Nonetheless, use of force complaints have been dropping steadily, from 146 in 2006 down to 105 in 2009. Seattle PD has a stringent policy regarding the reporting of use of force. All force incidents are reviewed by a number of people to ensure the force was within policy, including OPA when related complaints are filed. Several 2009 cases resulted in a Supervisory Intervention (referral for training) finding where the use of force was within policy but problems relating to reporting the force were involved. An important tool for assessing use of force, along with all other police/citizen interactions, is the In-Car Video/Audio Recording System.

Allegations of failure to use the In-Car Video/Audio Recording System are increasing: SPD has a policy that officers with In-Car Video/Audio Recording Systems (DICVS) should make every effort to record citizen contacts within range. Video/audio recordings are vital to the investigation process. Though recordings do not always tell the full story about a police incident, they often are invaluable in assessing the conduct of both the involved officer and citizen, and can help OPA better evaluate a complaint from the outset. For example, review of video/audio assists in determining whether a complaint should be administratively closed, referred for criminal investigation, or is appropriate for mediation. When recordings are unavailable and there is no obvious explanation, an allegation of failure to use DICVS is added to the underlying complaint.



16 allegations of failure to use DICVS were investigated in 2009, as compared to only one in 2008. Of the 16 allegations, two resulted in Supervisory Intervention findings, requiring that the named employee be retrained on use of DICVS, while procedural and other explanations accounted for the absence of recordings in the other cases.

Alternative discipline approaches are being used in appropriate cases: Many instances of police action reviewed by OPA do not clearly demonstrate misconduct but the underlying facts indicate that training 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. Even where misconduct clearly is involved, traditional discipline approaches such as requiring unpaid time off are not always the most effective in promoting behavioral change. Thus, OPA has been working with others inside and outside SPD to consider discipline alternatives based on adult learning models. Where appropriate, in the past year the Chief of Police has incorporated alternative discipline in Sustained cases, such as requiring the involved officer to do a research project related to the misconduct, to assist with policy review, or to read a book on point and write guidance on the issues involved.

Important organizational changes were made in OPA during 2009: In an effort to improve efficiencies in the OPA Investigations Section (OPA-IS), a second Lieutenant was added to the office in place of the OPA-IS Captain. This change allows for more one-on-one contact by the supervising Lieutenants with OPA-IS investigators and should reduce the amount of administrative review time involved with case processing. The former OPA-IS Captain was reassigned to oversee SPD Ethics and continues to report to the OPA Director. This allows for enhanced coordination on implementation of OPA policy and training recommendations, along with OPA oversight of Departmental ethical issues. Finally, the loss of an OPA civilian position during the City-wide reduction in force that occurred in 2009 required that other staff absorb important functions, including administration of the OPA Mediation Program.

The OPA Mediation Program went through changes in 2008 and 2009: OPA made significant changes in 2008 by expanding the pool of mediators available to handle police misconduct complaints. However, the overall number of complaints resolved by mediation fell from 21 in 2008 to 10 in 2009, in part due to abrogation of an OPA staff position as Seattle addressed budget shortfalls. After a transition period, however, the program is back on track and cases are being referred for mediation now at a rate equal to or higher than before. In 2010, OPA is identifying a wider variety of cases for mediation. In his recent report covering the period June – November 2009, the OPA Auditor urged mediation of racial bias claims. Also, though mediation cases typically are identified at the intake stage, OPA-IS investigators have been asked to refer other appropriate cases, including those involving use of force, even after investigative steps have been taken.



Section 2

Complaint Intake and Classification

OPA intake continues to slowly rise by about 100 per year, from 1132 contacts in 2006 to 1442 in 2009. However, most of these contacts involve requests for information or are referred to the named employee's supervisor for follow-up, rather than being serious misconduct allegations. The number of cases classified for full investigation, either by the named employee's Line of Command (LI) or by the OPA Investigation Section (OPA-IS), has remained steady, amounting to 176 cases in 2009.

A single concern raised with OPA can involve multiple allegations and multiple complainants or officers. The OPA Director and Auditor review all intake classification recommendations made by OPA-IS. The Director can change the recommended classification of any particular complaint and also refer a case to mediation.

All 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 involve more minor misconduct and 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 communications to OPA that do not involve misconduct, but rather are requests for information, referrals, etc.²

The following chart summarizes OPA intake classification since 2007. Definitions for each classification are found on the previous page and in the Appendix.

² 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 with the OPA Review Board to review the overall classification scheme to determine if changes are recommended.



OPA Intake 2007-2009

Intake Classification	2007	2008	2009
OPA-IS Investigations	152	157	155
Line Investigations	14	18	21
Supervisory Referrals	97	71	94
Mediation	24	21	14
Preliminary Investigation Reports	316	279	232
Contact Log	598	773	926
Total Intake	1201	1319	1442

Chart 2-1

As seen in Chart 2-1, in 2009 approximately 85% of OPA contacts were classified as a Contact Log, Preliminary Investigation Report (PIR), or Supervisory Referral (SR). These cases involved matters resolved at intake by OPA-IS personnel or referred to the named employee's supervisor for follow-up.

Complaints involving more serious allegations of misconduct are either referred to the officer's chain of command as a Line Investigation or investigated by OPA-IS. The combined percentage of complaints referred for a Line or OPA-IS investigation has decreased slightly from 13% of the total OPA intake in 2008 to 12% in 2009.

Once intake is complete, OPA-IS makes a recommendation as to how a complaint should be classified. Intake classification recommendations are then reviewed by the OPA Director and Auditor. With input from the Auditor, the Director makes the final decision as to how a complaint will be classified.



Section 3

Allegations by Classification

As noted in Section 2, OPA complaints are triaged at the outset into one of the following classifications: Contact Log, Preliminary Investigation Report, Supervisor Referral, Line Investigation, or OPA-IS Investigation. This Section 3 provides information about the most common specific allegations associated with each classification.³

A. Preliminary Investigation Report (PIR) Allegations

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 as needed. The number of complaints classified as PIR has steadily dropped the past few years. Cases classified as PIRs most often involve issues concerning service quality, disputes about reports or citations, officer attitude/demeanor, or enforcement discretion. One complaint can involve multiple allegations.

	2007	2008	2009
Total complaints classified as Preliminary Investigation Report (PIR)	316	279	232
PIR Allegations			
Service Quality	108	72	67
Demonstrations	0	1	1
Workplace Issues	4	5	4
Private Conduct	7	10	7
Traffic Violation by Officer	4	12	9
Search & Seizure	11	13	18
Possible Mental Issues	10	20	15
Disputes Report/Citation	61	42	38
Biased Policing: Traffic	15	4	6
Biased Policing: Other	13	5	4
Attitude/Demeanor	90	69	71
Inquiry/Request/Referral	63	7	7
Discretion in Enforcement	40	73	34
Off Duty Traffic Control	1	1	3
Evidence & Property/Policy	0	0	1
In-Car Video	0	0	1
Special Events/Sporting Events	4	4	0
Other	19	25	25
TOTAL NUMBER OF ALLEGATIONS	446	358	311

Chart 3-1

³ Since a “Contact Log” usually involves a request for information or referral, specific allegations are not broken down for this classification.



Chart 3-2 shows the most typical Preliminary Investigation Report (PIR) allegations. Over the past three years, complaints involving quality of service and officer attitude or demeanor are most common of those classified as a PIR.

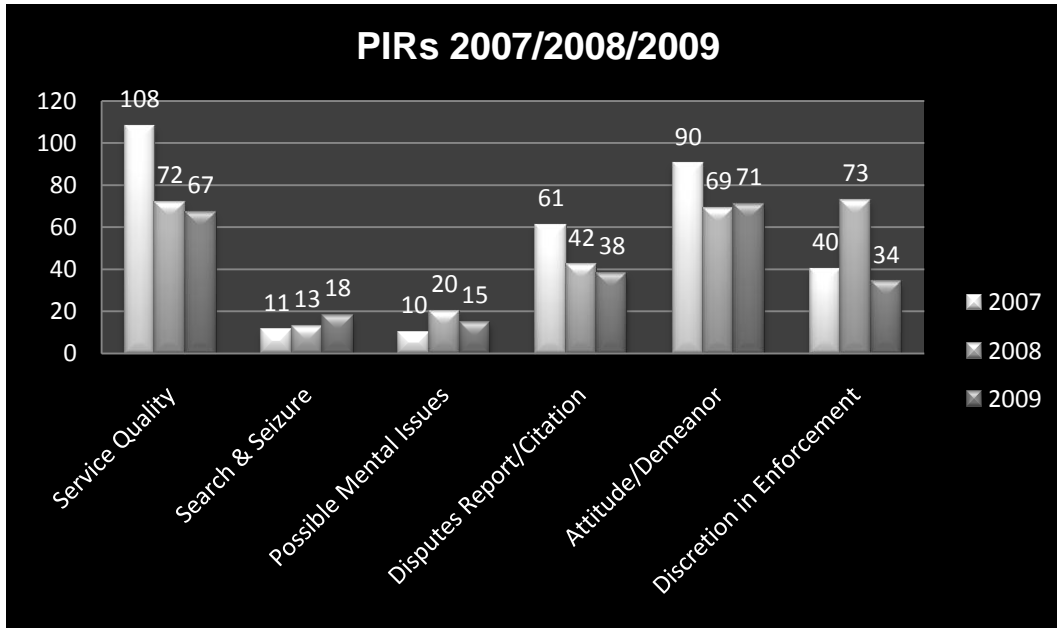


Chart 3-2



B. Supervisory Referral (SR) Allegations

The Supervisory Referral (SR) classification is used when minor misconduct is alleged or there is a training gap to be addressed by a supervisor. The supervisor generally will contact the complainant and named employee to resolve the complaint, basically providing an informal mediation. The supervisor documents all efforts in a written report back to OPA.

In 2009, both the number of overall complaints and individual allegations classified as SR increased. Allegations of misconduct involving courtesy, violation of rules and regulations, and standards & duties related to professionalism were the most common raised in SR cases in 2009.

	2007	2008	2009
Total complaints classified as Supervisory Referrals (SR)	97	71	94
SR Allegations			
Courtesy	46	18	46
Violation of Rules and Regulations	22	17	28
Bias	0	1	3
Improper Language	4	3	7
Discretion	26	27	12
Reports/Evidence	15	5	1
Duty to Identify	9	2	5
Professionalism/Policy – Standards & Duties	0	0	14
Other ⁴	6	7	16
TOTAL NUMBER OF ALLEGATIONS	128	80	132

Chart 3-3

⁴ The “Other” category includes allegations of relatively minor administrative law violation, honesty or integrity/misuse of authority, professionalism/traffic stops, and professionalism/reasonable suspicion stops. Though some of these allegations, if true, would be considered quite serious, the facts presented allowed OPA to conclude that misinformation or other factors were involved and that a Supervisory Referral was appropriate.



Chart 3-4 shows the most typical Supervisory Referral (SR) allegations. Over the past three years, allegations involving officer courtesy, violation of rules and regulations, and use of discretion have been the most common classified as an SR.

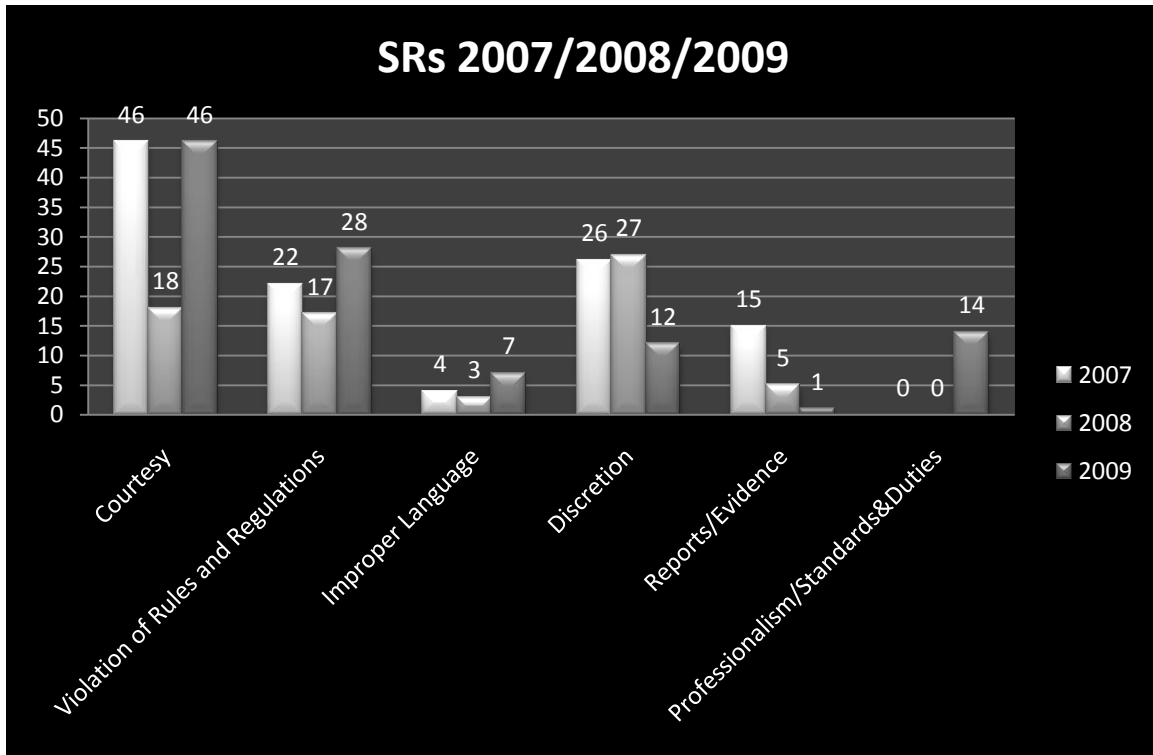


Chart 3-4



C. Line Investigation (LI) Allegations

An OPA complaint classified as a Line Investigation (LI) involves misconduct that appears less serious or complex such that it can be investigated by the officer’s chain of command. Evidence is gathered and formal witness interviews are taken, with completed investigations referred back to OPA for final disposition (or to the Chief if a Sustained finding is recommended). The number of cases referred for LI is relatively small, though slowly has been increasing as OPA has grown more confident in the quality and timeliness of these investigations. The most common LI allegations involve violations of rules and regulations and courtesy issues.

	2007	2008	2009
Total complaints classified as Line Investigations (LI)	14	18	21
LI Allegations			
Violation of Rules and Regulations	1	1	7
Insubordination	0	0	1
Exercise of Discretion	7	5	3
Courtesy	4	4	9
Traffic Stops	1	1	0
Derogatory Language	0	3	0
Profanity	3	2	1
Completion of Reports, Evidence & Actions	1	1	1
Wearing Recognizable Police Uniform on Premise	1	0	0
Department E-Mail Policy	1	0	0
Collision Investigations – Mandatory Collision Report	0	1	3
Collision Investigations – Taking Enforcement Action	1	0	1
Collision Investigations/Responding Officer Duties	1	2	1
Searches General/Procedures	0	1	2
Secondary Employment	0	1	1
In-Car Camera Video	0	1	2
Evidence/Property	0	1	0
Unauthorized Absence	0	1	0
Other ⁵	0	0	5
TOTAL NUMBER OF ALLEGATIONS	22	24	32

Chart 3-5

⁵ The LI “Other” category includes allegations involving responsibility of supervisors, professionalism/policy, primary investigations/officer responsibilities, unbiased policing, and professionalism/criticism of other.

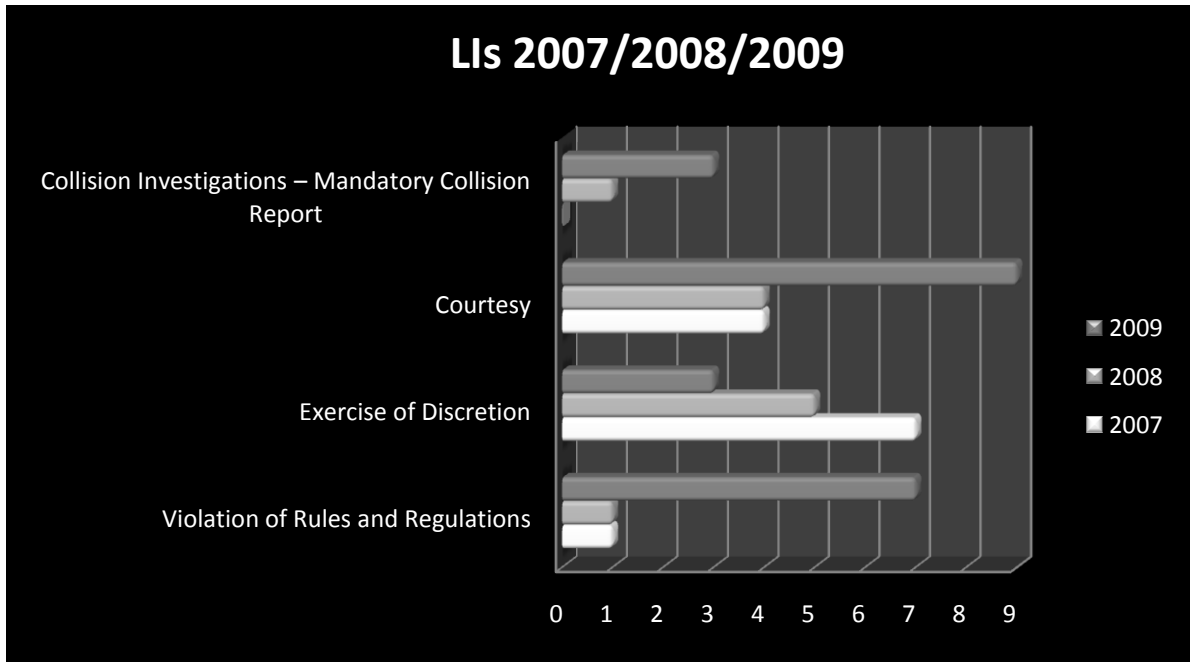


Chart 3-6

Chart 3-6 shows the most typical Line Investigation (LI) allegations. Over the past three years, LIs have most commonly involved complaints of officer courtesy or exercise of discretion.



D. OPA Investigations Section (OPA-IS) Allegations

Complaints involving the most complex or serious allegations of police misconduct are investigated by the OPA Investigations Section (OPA-IS). The most common OPA-IS complaint involves an allegation of unnecessary or excessive use of force. Examples of other concerns typically investigated by OPA-IS include violations of law, professionalism/exercise of discretion, and professionalism/courtesy.

	2007	2008	2009
Total complaints classified as Investigation Section (IS)	152	157	155
OPA-IS Allegations			
Complaint Process-Reporting Requirements	1	2	6
Complaint Process-Retaliation	0	0	3
Primary Investigations-Officer Responsibilities	0	4	9
Criminal Records Misuse	0	0	2
Standards & Duties			
• Responsibility of Supervisors	4	3	3
• Violation of Law-Administrative Case	9	16	18
• Violation of Law-Outside Agency	7	4	5
• Violation of Law-SPD Case	7	8	3
• Violation of Rules/Regs	8	10	7
• Honesty	5	6	2
• Integrity-Conflicts of Interest	0	3	4
• Integrity-Misuse of Authority	3	2	2
• Professionalism-Exercise of Discretion	24	20	17
• Professionalism-Courtesy	22	17	20
• Professionalism-Duty to Identify	3	11	5
• Professionalism-Derogatory Language	6	9	2
• Professionalism-Profanity	12	5	6
Secondary Employment Permits	0	9	4
Unbiased Policing/Policy	3	4	5
Arrest Procedures	4	5	4
Searches-General/Procedures	1	21	24
Social Contacts, Terry Stops & Arrests	0	3	5
Use of Force/Policy	131	112	104
Evidence & Property Handling	25	0	21
In-Car Video/Policy	2	0	14
Other ⁶	36	24	23
TOTAL NUMBER OF ALLEGATIONS	313	298	318

Chart 3-7

⁶ The OPA-IS “Other” category covers a variety of allegations including complaint interference, department records access, department email policy, alcohol or substance abuse, illness & injury policy, unauthorized absence, insubordination, gratuities, report completion, workplace harassment, body cavity searches, traffic enforcement contacts, interpreter rules, vehicle pursuits, discharge of firearms, arrest of foreign nationals.

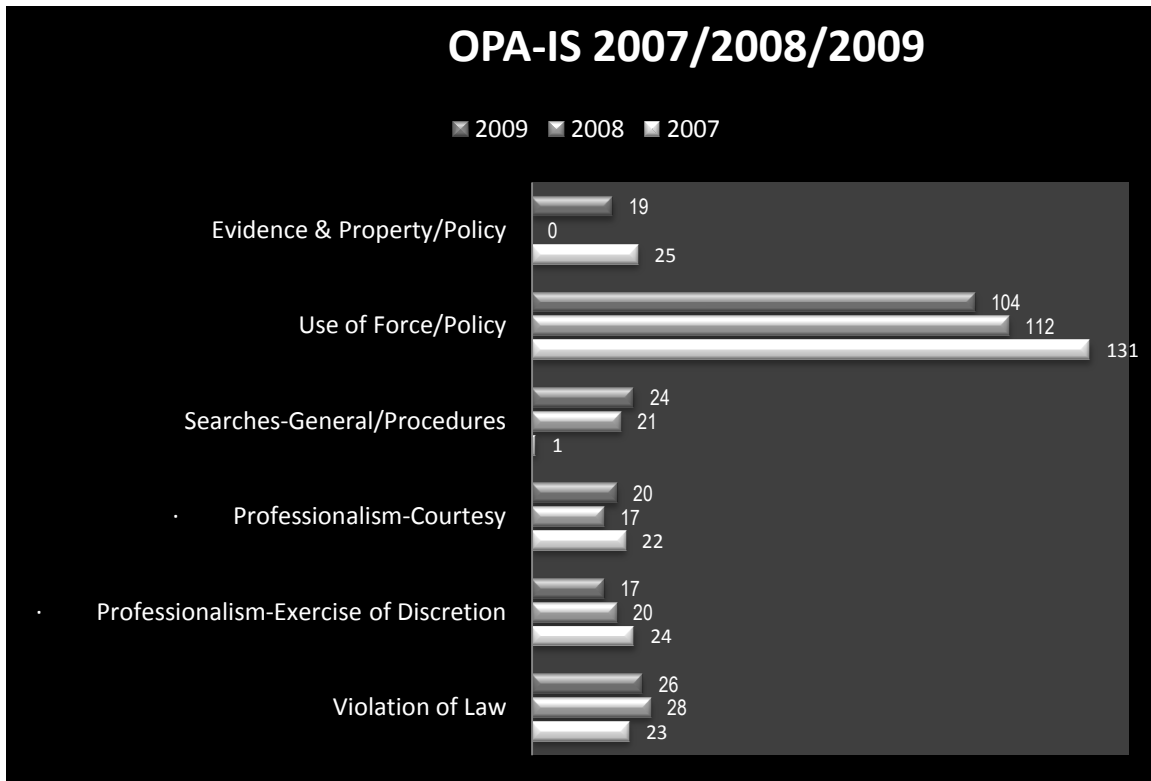


Chart 3-8

E. LI and OPA-IS Allegations – Observations

Several observations can be made about the most serious misconduct allegations, those referred for LI or OPA-IS investigation:

- (1) Complaints involving use of force (including reporting and other procedural issues) continue to steadily decrease, as there were 131 force related allegations in 2007, down to 113 in 2008, and 105 in 2009. 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. No use of force allegations were Sustained in 2009, though several involving reporting requirements resulted in Supervisory Intervention findings.
- (2) Allegations related to searches continue to increase, from only 1 allegation in 2007 to 26 in 2009. There were no 2009 Sustained findings involving searches, though two cases resulted in Supervisory Interventions, requiring training with the named employees on search procedures.



- (3) There were 25 allegations regarding the handling of evidence and property in 2007, only 1 case in 2008, and then the number of allegations rose again to 19 in 2009. Several of the Sustained or Supervisory Intervention findings in 2009 relate to evidence and property handling. Given the frequency of such allegations, OPA will coordinate with the Training Unit to ensure that issues related to both searches and the handling of evidence and property are thoroughly addressed in SPD's annual street skills training program.

- (4) Failure to adhere to Departmental policy requiring the use of In-Car Video/Audio Recording Systems (DICVS) during citizen contacts was the subject of 16 LI or OPA-IS allegations, up from only two in 2007 and one in 2008. At this point, the great majority of officers have been trained on the use of DICVS and most patrol cars are equipped with the system. OPA is adding an allegation of failure to adhere to DICVS policy when no recording is available of the incident underlying a complaint with no obvious explanation. Though recordings do not necessarily capture all relevant police-citizen interaction or tell the full story about any incident, they are often invaluable in assessing the conduct of both the involved officer and citizen. Video can help OPA determine that a particular complaint should be administratively closed, referred for criminal investigation, or is appropriate for mediation. In 2009, two allegations of failure to use DICVS resulted in Supervisory Intervention findings, requiring that the named employee be retrained on use of the system, while procedural and other explanations accounted for the absence of video/audio recording in the other cases.



Section 4

OPA-IS and LI Investigative Findings

Cases classified for investigation, whether by the named employee's chain of command (Line Investigation) or by the OPA Investigations Section (OPA-IS), conclude with a finding once the investigation is complete. There are eight findings used when closing completed investigations. One case can have multiple findings if multiple allegations or multiple officers are involved.⁷

During 2009, 198 cases involving 390 allegations were completed through either a Line Investigation or full OPA-IS investigation. The number of cases closed in 2009 was significantly higher than the past few years. For example, in 2008, OPA reported 144 closed cases involving 257 allegations of misconduct. Of the cases closed in 2009, 12% 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 dipped slightly from 13% in 2008.

Of those cases resulting in a Sustained finding, nearly 1/3 involved off-duty violations of law such as DUI, disorderly conduct, or reckless driving. Four other Sustained findings involved the failure of employees to self report when each became the subject of a criminal process. Another two Sustained findings involved officer discretion and two others dealt with misuse of records. There were single individual Sustained findings on cases involving traffic enforcement policy, citizen observation of officers, retaliation/misuse of authority, misuse of records, evidence handling, courtesy, and primary investigation regulations.

Supervisory Intervention (SI) findings dropped to 12% in 2009, from a high of 19% of the total findings in 2008, and closer to the 13% figure reported in 2007.

⁷ 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.



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. Examples of complaints that resulted in Supervisory Intervention findings include allegations involving mishandling evidence or property, misuse of authority, exercise of discretion, courtesy, Terry stops, sleeping on duty, secondary employment permits, failure to take action, impounding vehicles policy, use of force, failure to use in-car video, search procedures, workplace harassment, confidential communications, arrest procedures, and mandatory collision reporting.

While 24% of the cases closed in 2009 resulted in a Sustained or Supervisory Intervention finding, 76% were closed as Exonerated, Unfounded, Not Sustained or closed administratively.

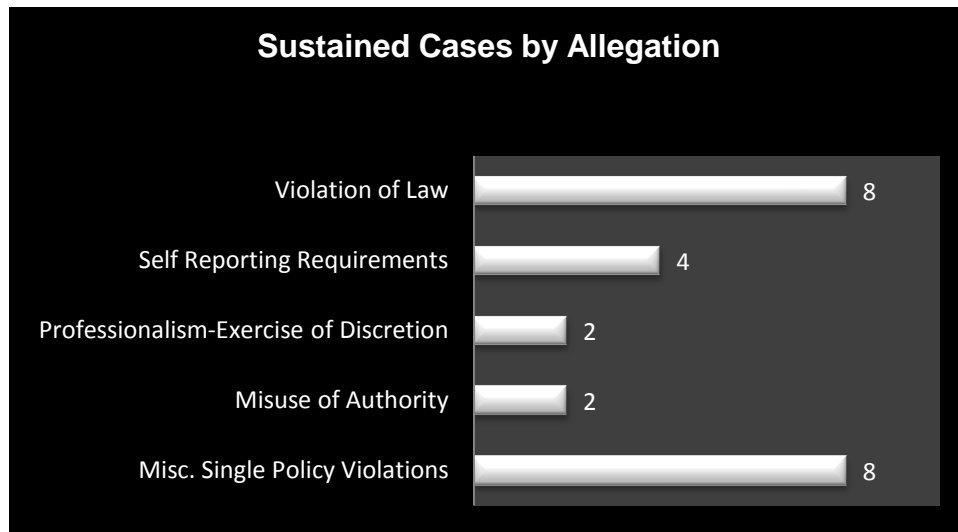


Chart 4-1



Chart 4-2 provides comparative information on findings in closed OPA-IS and Line Investigations for 2008 and 2009. A single complaint can involve more than one allegation and multiple named employees.

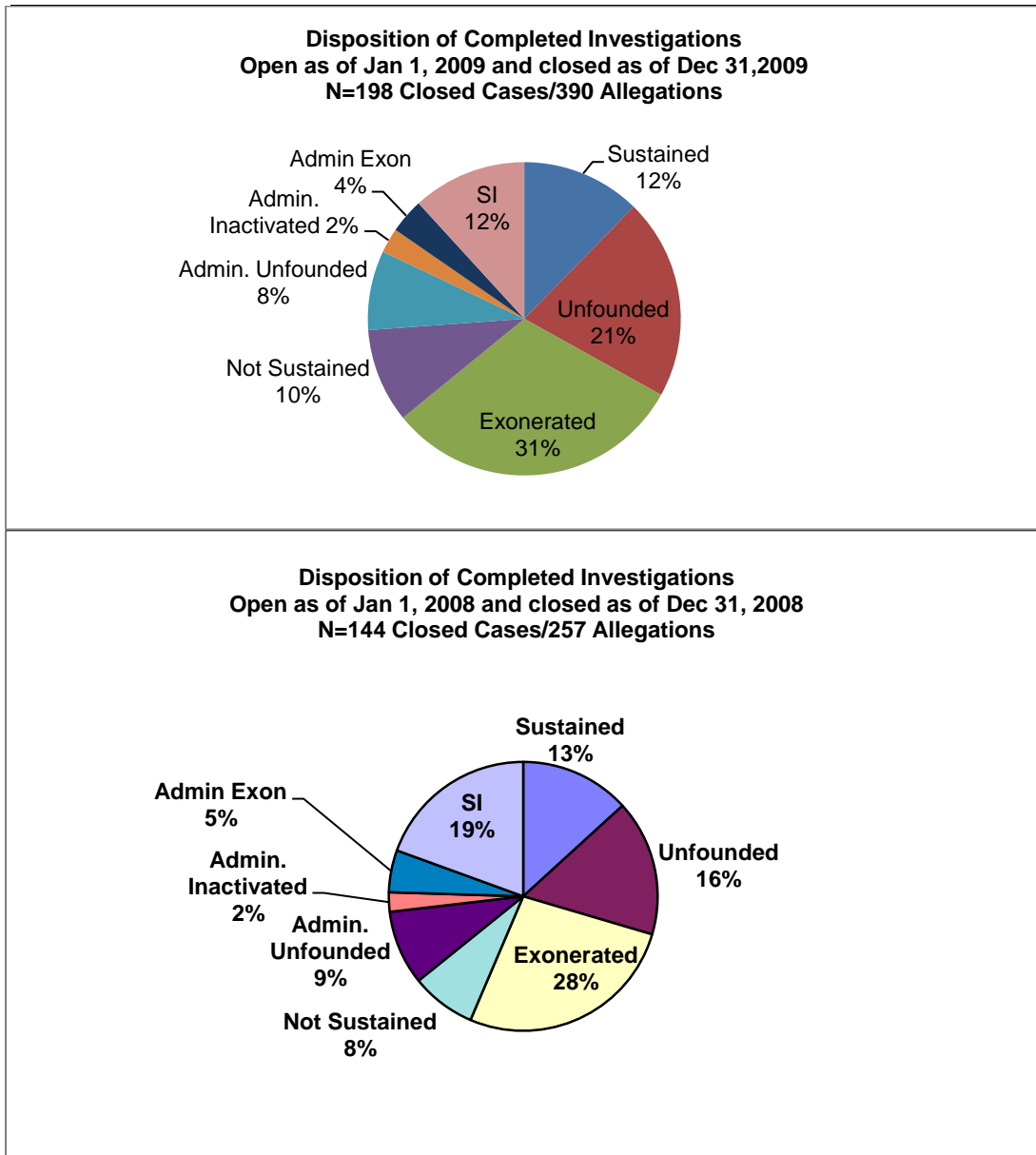


Chart 4-2



Section 5

Discipline

SPD Sworn Employees Disciplined 2007-2009⁸

The OPA works with the Chief of Police as he makes final discipline decisions, and coordinates with SPD’s Human Resources Department and the City Law Department to promote consistency in discipline for similar infractions, monitor the implementation of discipline, and track discipline appeals.

The table below provides information on the type of discipline imposed in 2007 - 2009 following Sustained findings in OPA complaints. The information represents final decisions following any appeal that might have been involved.

SPD Sworn Employees Disciplined 2007-2009

Type of Disciplinary Action	Number of Times Discipline Imposed	Number of Times Discipline Imposed	Number of Times Discipline Imposed
	2007	2008	2009
Termination	1	2	1
Suspension	12	7	11
Written Reprimand	12	9	8
Oral Reprimand	1	2	2
Transfer	0	1	2
Training/Alternative Discipline	0	0	6
TOTAL	26	23	30

Chart 5-1

A significant development in 2009 involves the use of alternative discipline modalities. In approximately six of the thirty instances in which discipline was imposed as reported above, the Chief incorporated alternative discipline in addressing the misconduct. Examples include requiring that the involved officer do a research project related to the misconduct, assist with policy review, or read a book on point and write guidance related to the issue involved. OPA is in contact with other law enforcement agencies using or considering alternative discipline as SPD continues to explore effective ways to address police misconduct.

⁸ Single incidents reported in Chart 5-1 may include multiple employees.



Section 6

Investigative Timelines

In addition to assuring that investigations are conducted fairly and thoroughly, OPA strives to complete investigations expeditiously. The many levels of review built into OPA's system ensure checks and balances, but add significant time to the basic evidence gathering stage commonly associated with investigations.

Because OPA originally only focused on the time involved with evidence gathering (i.e., the work of the OPA-IS Sergeant/Investigators), beginning in 2008 OPA started studying the entire "birth to death" time required by the process. Last year, it took on average approximately 173 days from intake to case closure to complete an OPA case.⁹ In 2009, based on a sampling of a quarter of the cases closed, the "birth to death" processing figure dropped to an average of 159 days.¹⁰ Given that more cases were closed in 2009 (198 as compared to 144 in 2008), the drop in average processing time appears even more significant.

In an effort to improve efficiency in case processing, in late 2009 a second Lieutenant was added to OPA-IS while the OPA-IS Captain was reassigned to oversee SPD Ethics. This change allows for more one-on-one contact by the Lieutenants with OPA-IS investigators and should reduce the amount of administrative review time involved with case processing as one level of review (the Captain's) is removed. OPA will continue to study the discrete steps involved with investigations to look for other ways to address timeline concerns.

SMC 3.28.812 provides that the OPA Director make a written explanation to the Mayor and City Council if no discipline results from an OPA complaint because an investigation time limit was exceeded, with a summary to be included in OPA reports. Since first addressing this issue in the 2008 OPA Complaint Statistics Report (published March 2009), the Director subsequently reported two cases in which timeline related grievances were filed. In both cases, the OPA completed its investigation in a timely manner but arguments were raised that notice of the Chief's proposed findings and discipline was not issued within contractual time limits. The grievances ultimately were settled changing the Sustained findings to Supervisory Interventions. Steps have been taken by the Department to assure that discipline notices are issued within contractual time limits.

⁹ Criminal and other procedurally complex cases were excluded from the samples reported.

¹⁰ An effort was begun last year to better track by computer the discrete steps involved with case processing. Due to the loss of personnel in OPA, this project was stalled. Case sampling will continue to be used to analyze the process until resources can be devoted to upgrading the computerized tracking system.



Section 7

Officer Specific Information

A. Complaints per Officer

As in previous years, the majority of SPD officers had no OPA complaints. This figure went from approximately 80% in 2007 and 2008 to 85% of officers with no complaints in 2009. Of those who did receive a complaint, 25 out of approximately 1300 sworn officers received two complaints in 2009, up from 17 with two complaints in 2008. Only 5 officers (down from 12 in 2008) received three or more complaints in 2009.

Chart 7-1 summarizes information on the number of officers with single and multiple IS and LI complaints for 2007 through 2009.

Officers with Multiple Complaints

Officer Complaint Category	Number of Officers in 2007	Number of Officers in 2008	Number of Officers in 2009
Officers with two complaints	29	17	25
Officers with three or more complaints	9	12	5
Total Employees	38	29	30

Chart 7-1

Using Strength Average @ 1300 officers

2007	2008	2009
<ul style="list-style-type: none"> 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) 	<ul style="list-style-type: none"> 79.6% of officers had no complaints 18% had 1 complaint 1.3 % had 2 complaints < 1% had 3 or more complaints 	<ul style="list-style-type: none"> 85.2% of officers had no complaints 12.5% had 1 complaint 1.9% had 2 complaints < 1% had 3 or more complaints

Chart 7-2



B. Use of Force Complaints per Officer

The number of officers receiving one Use of Force complaint increased steadily between 2004 and 2007, and has steadily dropped since that time.

Chart 7-3 notes the number of officers with single and multiple use of force complaints investigated as an LI or by OPA-IS for 2007 through 2009.

Officer Complaint Category	Number of Officers in 2007	Number of Officers in 2008	Number of Officers in 2009
Officers with one use of force complaint	111	98	72
Officers with two use of force complaints	11	7	5
Officers with three or more use of force complaints	2	7	2
Total Employees	124	112	79

Chart 7-3



C. Race/Ethnicity and Gender Data for Named Employees

Chart 7-4 provides race/ethnicity and gender data for employees named in 2009 OPA complaints.¹¹ The breakdown is relatively consistent with that reported in 2008.

Race/Ethnicity	Gender	# of Allegations	Total # of SPD Employees
American Indian/Alaskan Native	M	13	25
	F	0	12
Asian/Pacific Islander	M	42	131
	F	9	59
Black	M	58	124
	F	5	46
Hispanic	M	26	68
	F	6	14
White	M	347	988
	F	77	392
Unknown/Not Specified		72	

Chart 7-4

¹¹ The data presented in charts 7-4 and 7-5 provide information about the SPD employees named in complaints in 2009 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 in these contacts is not recorded. Thus, the information represents complaints classified as PIR, SR, LI or OPA-IS.



D. Named Employees by Rank

Chart 7-5 is a breakout by rank of employees named in 2009 complaints. The total number of employees is larger than the number of complaints because a single complaint can name more than one employee. The number of Officers receiving complaints declined in 2009, there was a slight increase in the number of Detectives named, and other ranks were relatively the same.

Rank	Number	% of Total Named Employees N=673	% of Total Named Employees vs. Complaints N=516
Captain	1	.15%	.19%
Sergeant	7	1.04%	1.36%
Detective	15	2.23%	2.9%
Officer	138	20.5%	26.74%
Parking Enforcement	17	2.53%	3.29%
Civilian	7	1.04%	1.36%
Unknown Employee	488	72.51%	94.57%
Total	673		

Chart 7-5



E. Complaints by Precinct

The data presented in Charts 7-6 and 7-7 break out complaints by precinct where they were initiated.¹² 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. The West, North and Southwest Precincts experienced an up-tick in complaints in 2009. The East Precinct had fewer complaints in 2009 compared to 2008 while the South Precinct's numbers remained the same. Precinct commanders receive regular feedback from OPA about complaints received concerning their areas of command, both during the investigation process and through summary reports.

2009

Complaints by Precinct	East	North	South	SW	West	Other	Total
IS Investigation	15	24	25	7	57	17	145
Line Investigation	3	4	1	4	8	0	20
Supervisory Referral	9	20	11	12	35	3	90
Total	27	48	37	23	100	20	255

Chart 7-6

2008

Complaints by Precinct	East	North	South	SW	West	Other	Total
IS Investigation	25	20	27	8	56	21	157
Line Investigation	7	5	1	1	4	0	18
Supervisory Referral	10	13	9	7	27	5	71
Total	42	38	37	16	87	26	246

Chart 7-7

¹² The complaints reported only include cases classified for Supervisory Referral or Line Investigation and those handled by OPA-IS.



F. Commendations

OPA receives employee commendations through the OPA website, by e-mail and letter, and over the telephone. In 2009 there were 111 commendations recognizing 103 individual SPD employees, and another 8 commendations naming precincts and the Department as a whole.

In November of 2009 there was an overwhelming response from community members expressing their condolences and support to the Department for the untimely death of Officer Timothy Brenton. Again in December of 2009, Officer Benjamin Kelly and the Department received an out-pouring of support for Officer Kelly's quick and decisive action in difficult circumstances when he encountered the suspect in the death of four Lakewood Police Department officers. Many people thanked the Department for the hard work and dedication given to the community.



Section 8

Complainant Specific Information

Race/Ethnicity and Gender Data for Complainants

The data presented in Chart 8-1 represents complainant information for 2009 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 often is not easy to determine the race/ethnicity or even gender of many complainants. OPA collected data on over half of the complaints other than those resolved at intake, and continues to seek effective ways to collect and record such information.

Chart 8-1 provides race/ethnicity and gender data regarding complainants, where available, for 2009 cases. The average age of complainants was 43 years old.

Race/Ethnicity	Gender	Total
American Indian/Alaskan Native	M	2
	F	0
Asian/Pacific Islander	M	7
	F	8
Black	M	67
	F	30
Hispanic	M	4
	F	0
White	M	104
	F	60
	UNK	1
Unknown/Not Specified	M	79
	F	70
	UNK	89

Chart 8-1

Compared to data reported in 2008, nearly twice as many complainants were white females in 2009 (36 in 2008 as compared to 60 in 2009). The number of male and female Black complainants was up by 27 (97 in 2009 as compared to 70 in 2008). Other race/ethnicity categories were relatively the same.



Section 9

Mediation

Some OPA complainants want to better understand why an officer took a particular approach, or to explain their own conduct, rather than have an incident investigated. OPA’s Mediation Program offers officers and citizens a chance to clear up misunderstandings and miscommunication that might have occurred. The process helps citizens learn about the basis for police actions to improve their understanding of law enforcement, the dangers in police work, and the totality of circumstances involved for the officer. At the same time, mediation offers an opportunity for officers to learn more about the effect their words, behaviors, and actions can have on the public, and some may learn new communication tools.

When OPA first began its Mediation Program in late 2005, Ret. Judge Terrance Carroll and other judges and staff from Judicial Dispute Resolution graciously volunteered their time and resources to resolving OPA complaints. In 2008, OPA identified a group of other local professional mediators to train in handling these issues and also began providing a small stipend for services provided.

Shortly after bringing on the expanded pool of mediators in 2009, the OPA position that administratively supported the Mediation Program was abrogated as Seattle addressed budget shortfalls. After a transition period, however, the program is back on track and cases are being referred for mediation now at a rate equal to or higher than before.

	2007	2008	2009
TOTAL CASES SELECTED FOR MEDIATION	37	59	31
Completed Mediation Cases	17	15	10 ¹³
Resolved during convening process	4	6	1
TOTAL RESOLVED	21	21	11
Citizen refused mediation	9	12	14
Employee refused mediation	6	20	5
Other	1	6	1

Chart 9-1

¹³ Four other cases were selected for mediation in 2009, involving significant convening efforts, but are not included in the total because the mediations did not occur until 2010.



In 2010, OPA is identifying a wider variety of cases for mediation. In his recent report covering the period June – November 2009, the OPA Auditor urged mediation of racial bias claims. Similarly, other complaints involving the most serious misconduct allegations such as unnecessary use of force are now being considered for mediation where the facts indicate that dialogue between the citizen and officer involved might help resolve the matter. Also, though cases are usually selected for mediation at the intake stage, the OPA Director has asked that OPA-IS staff refer appropriate cases for mediation even after an investigation has been initiated. Sometimes it cannot be determined that a case is appropriate for mediation until after the investigator conducts initial interviews and collects other preliminary information.

Both citizens and officers generally report being very satisfied with the mediation process and express appreciation for new insights and perspectives gained. In a 2008 survey of participants, 92% or more of both officers and citizens indicated that they would recommend the mediation process to others. OPA will continue to seek input from participants about ways to improve its program as it looks for means to expand the use of mediation in resolving misconduct complaints.



Section 10

Conclusion

The vast majority of police actions do not involve misconduct and most complaints filed with the OPA are not Sustained. However, OPA strives to ensure for all parties involved that misconduct complaints are investigated fairly, thoroughly, and expeditiously. Employees should be held accountable when misconduct is established, though the Department is committed to exploring alternative discipline in appropriate situations. SPD also is receptive to training recommendations growing out of OPA investigations, whether with individually named employees or on a larger scale.

Accountability and transparency in law enforcement is served by a review of the work involved with complaint processing. Information from the 2009 OPA Complaint Statistics Report will be shared in the Police Department and throughout the Seattle community.

APPENDIX

OPA Complaint Classification

6. **OPA Investigation Section (OPA-IS)** complaints are more complex and involve more serious allegations, including use of force allegations, and are investigated by OPA-IS.
7. **Line Investigation (LI)** complaints involving minor misconduct are investigated by the officer's chain of command.
8. **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.
9. **Preliminary Investigation Report (PIR)** complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.
10. **The Contact Log (CL)** classification is used for OPA communications that do not involve misconduct, but are requests for information, referrals, etc.

Findings for OPA-IS or Line Investigations

1. **Sustained:** the allegation of misconduct is supported by a preponderance of the evidence.
2. **Not Sustained:** the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.
3. **Unfounded:** a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.
4. **Exonerated:** a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.
5. **Supervisory Intervention:** 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.
6. **Administratively Unfounded/Exonerated:** a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.
7. **Administratively Inactivated:** the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence.