Seattle Police Department
Office of Professional Accountability
Report of the Civilian Auditor
October 2008 – March 2009

INTRODUCTION

This is the last semi-annual Report of this Auditor. In keeping with the recommendations made to him and the City Council by two "Blue Ribbon" commissions, the Mayor has asked for changes to expand the job description. A new Auditor is expected to start in June.

In this Report, I summarize my work over the last six months. I also look at policy issues noted and recommendations made over the past five years that I feel are important and are still outstanding. Finally, I look ahead to subjects worthy of further analysis.

AUDITOR ACTIVITIES

The scope of the contract for this Auditor changed in 2008. I am tasked to coordinate with the Review Board and the Director to "identify substantive and procedural areas" for enhanced review. I released a Report on Obstruction Arrests in October 2008. In March 2009, I released the first stage of a report on the Department's relationship with diverse communities, focusing on the Department's own initiatives. The new Review Board has been soliciting input from community members in a systematic fashion, many of which meetings I have attended. We expect the second phase of a report to be a coordinated effort among the new Auditor, Director and Board to assess the success of departmental efforts and to suggest future directions. I have met with the nominated new Auditor several times.

I have attended a panel hosted by the Seattle Office of Human Rights and spoke on a radio panel show.

I have reviewed Supervisory Interventions and Supervisory Referrals to gain a better idea about how the issues in these cases are followed up at the precinct level.

I have also reviewed appeals by employees of discipline imposed by the Department.

I sat as a volunteer on the Mayor's panel to interview finalists for my replacement, who is pending confirmation by the full City Council.

I have continued to review OPA-IS investigations on a real time basis and sometimes suggested further avenues to explore. In this six-month period I reviewed 101 completed OPA-IS investigations, substantially above the average number of full investigations for past six-month periods. I had comments or questions on 35 of these, some minor, a few reflecting real disagreements. In no cases did I see the need to order further investigation over an objection from OPA.

I audited OPA-IIS investigations with a "critical review of outcomes" as well, as mandated by my contract. I was, for instance, concerned with arrests of two individuals for failure to produce identification, where I did not believe the police had grounds for demanding it. I criticized the exoneration of an officer who admittedly wanted to "scare" an arrestee by pointing out that he could have placed the young man in a cell recently vacated by a spitting detainee with Hepatitis C. Other examples of divergent views are described in specific discussions of policy below.

In sum, the Director and I continued our substantive and useful discussions about outcomes. In my opinion, this is how our coordinated oversight functions are meant to operate: while the OPA Director and Auditor might not always agree, accountability is served by a frank and thorough discussion of different perspectives, and disclosure to the public in cooperative reports.

I reviewed 8 Line Investigations [LI's] before they were referred out and 12 completed Line Investigations received back from the precincts. I requested information on one proposed outgoing LI and had questions on eight completed investigations, often regarding timing. For instance, I wanted to know why no attempt had been made to contact the complainant for two and a half months in one case. Line Investigations are often fairly simple, involving a couple of interviews. I suggested that all requests for extensions of time to complete LI's be accompanied by a statement of work done to date and reasons for the extension.

I reviewed 35 Supervisory Referrals [SR's], up from the 22 reviewed last period. I questioned the classification of four. I reviewed the returns on a dozen I was interested in, as discussed *infra*.

I reviewed 120 Preliminary Investigation Reports [PIR's], in keeping with numbers in previous six-month periods. In 12 of these I disagreed with the classification or had questions. For example, I thought there might be serious safety issues that deserved more follow-up when a complainant reported poorly identified traffic officers stepping into a lane of traffic to flag vehicles over. In another case, I was concerned that potentially aggressive, swearing behavior, including clenched fists, was being dismissed as "management style." In a third case I was concerned about the seriousness of a White officer accelerating slowly from a stop past an African American on foot and allegedly pointing his finger "Clint Eastwood" style as if shooting him. I felt this incident might well have been a misinterpretation, but required more follow-up. In a fourth case I noted that nothing in an officer's attitude was overtly racial, but he seemed to discount an African American woman's description of how her car was hit, and she perceived the officer as privately giggling and chatting with the White truck driver who hit her instead of taking witness statements. I suggested this be elevated to an SR and hoped that the parties would agree to mediation to understand each other's experience of the event.

I reviewed over 200 contact logs, which include a wide variety of calls to OPA-IIS, the majority of which do not fall within the purview of the office. Many were referred on, or the screening sergeant attempted or accomplished the requested customer service. A few were converted to PIR's.

CONTINUING ISSUES AND RECOMMENDATIONS

The Auditor is tasked by contract to report on all OPA related recommendations and implementation by the Department. The information in my September 2008 Report is up to date on these issues, except for those mentioned elsewhere in this Report. The OPA recently issued its Report on Policies and Procedures, which outlines specific contract sections implementing policy changes.

The Auditor's job also includes the review of "…substantive policies, procedures and/or training that impact police accountability and/or the

disciplinary system." I want to summarize and repeat a few issues I have raised in earlier reports that still deserve attention.

The 180-Day Rule

The Guild contract provides generally that an officer must by advised of potential discipline within 180 days of when the OPA or a sworn supervisor is notified of the alleged misconduct. A primary area of my concern continues to be the effect of the provision that allows the indefinite extension of this time limit for OPA-IIS investigations when criminal investigations or proceedings are underway for an officer, but not for a citizen complainant in the same situation. The contract does allow an extension of time with permission from the Guild, if requested by OPA before the 180 days has expired. So far, the OPA has requested an extension in a few cases, but not for the unavailability of a complainant.

I recognize that officers have a legitimate interest in expeditious resolution of administrative disciplinary proceedings. It might also be pointed out that citizens can postpone filing a complaint until after their cases are resolved. But the reality is that cases are often initiated by another participant or a bystander or relative, or by a complainant who has not yet talked to a lawyer, who would undoubtedly recommend he or she not make any further statement. Lawyers are understandably concerned that their clients not be confronted in court with prior statements, a concern shared by officers facing court proceedings. In the case of complainants or subjects facing criminal charges, the cases are investigated by OPA-IIS without cooperation from the complainant and often without input from witnesses, yielding an incomplete picture of what happened.

The 180-day Rule also affects the coordination between OPA and the City's Risk Management Advisory Team. It would be advisable for OPA to look immediately at the facts of cases filed that might reflect misconduct, without having to worry about starting the clock running before a plaintiff is willing to cooperate. This could lead to expeditious and economical resolution of worthy claims against the City as well.

The OPA Director has made significant progress in expediting investigation of claims and clarifying when the 180-day period is deemed to have begun. Sensitive and complex cases do require longer investigations, though,

including scheduling interviews with all officers involved, along with their Guild representatives, and with witnesses and complainants.

There were several cases in this last period that I thought were worthy of sustained findings or further investigation, which exceeded the time limit within a few days of when I saw them. In one case, for instance, I received a summary investigation on February 18, reviewed by me on February 22nd. It concerned a confrontation and subsequent arrest of a King County Probation Officer for assault and for interfering with the arrest of her probationer for jay-walking. I wrote the OPA on February 23rd noting that shoulder surgery was keeping me from reviewing the full file for a few days, but noting concerns, asking that I be advised of the timeframe and that the Guild be asked to postpone the deadline if necessary. The Director and I talked on Friday, February 27th about the facts of the case. On Monday, we both became aware the deadline had passed on March 2nd. On March 24th, the Lieutenant sent me his proposed disposition, about which I had serious questions. The subject's trial is scheduled for May 19th.

I received another case on February 18 and reviewed it by February 22nd. I wrote an email the next day asking for exploration of physical evidence (to prove whether an officer had hit a car intentionally with his flashlight or whether it flew out of his hand inadvertently.) The proposed disposition memo, distributed to me on March 20, noted the expiration date of March 24th at the top. When I later discussed the case with the Director she noted that the evidence was not available and would have involved an expert to explore its bearing on intent. By that time the deadline had passed, so we realized the issue was moot.

As the Director has recognized, it is important that the review process be expedited so cases get to the Auditor as soon as the investigation is finished. The average time on investigations is now down to 52 days, a significant improvement despite the expanded caseload noted above. But of course the complex cases take considerably longer to investigate. The new Auditor may consider reviewing cases before any OPA supervisor does, though that has not been the practice. It would make suggestions or orders of further investigations more practical. The Director and Auditor have continued to work on this issue.

Computation of the timeline when an employee is under investigation can be

complex, even when the OPA-IIS investigation is well within the 180 days. As an example, the Director wrote me about one case where an employee was investigated for domestic violence: "The case was in monitoring status for 227 days while investigated by Tacoma. We moved it into an admin case for 42 days after receiving a Stipulated Order of Continuance from Tacoma. The case reverted to a monitoring status for 162 days when a possible violation of a No Contact Order was referred back to Tacoma and the employee was recharged. When Tacoma dropped the NCO violation charge because of a technical issue, the case again changed to an administrative investigation, which was completed well short of the 180 day deadline…." The OPA did not contribute to this delay, but it is an example of the interplay between criminal and administrative investigations and the pressure put on the OPA process.

There is a real problem with assessing the credibility of witnesses when dealing with these kinds of delays, which came up in another case I commented on. Finally, the public's right to have these administrative cases timely decided should also be considered in the discussion of the present 180-Day Rule, with its automatic delay in cases where the employee is investigated.

Seattle Municipal Code Section 3.28.812(B) now provides that the OPA Director make a written explanation if no discipline results from an OPA complaint because the investigation time was exceeded. The Director filed such a report on March 20, 2009. That Report details the circumstances of two cases in which Supervisory Intervention replaced a potential Sustained finding due to expiration of the 180-day deadline. It of course does not include cases where the Auditor may have disagreed with the proposed finding or requested further investigation.

Finally, the Director noted to her staff two cases with Exonerated and Unfounded findings (agreed with by the Auditor), which were not completed within 180 days. Apparently OPA-IIS still has adjustments to make to get all cases completed in time for meaningful review.

I recognize that fixes to the 180-day rule may be complex: changing the contract is one that would require bargaining in the next round of talks, which change would likely be resisted by the Guild. The OPA could simply insist that all cases be resolved in an even-handed manner, completing all investigations within 180 days. The OPA-IIS would thus simply offer the

officers the same choice now offered citizens: relinquish your Fifth Amendment rights and give investigators a voluntary statement within the 180 days or not. Although even-handed, this would probably leave OPA-IIS with nothing more than police reports in some cases to understand what happened.

Another approach would be to erect an administrative wall between OPA-IIS investigations and criminal proceedings, but this might require legislation to overcome subpoenas by litigants to access the investigations. That is, a State law could make administrative statements by witnesses or complainants inadmissible in criminal proceedings. A criminal defendant might have a constitutional right to see an officer's statement in the OPA-IIS report, but that is the case now, so it would not be a change. Could a simple administrative rule overcome a subpoena by prosecutors to access a defendant/complainant's statement? Generally, neither of these types of statements is in fact accessed in criminal proceedings.

I recommend that policy makers seriously discuss these and other potential solutions. An interim possibility would be allowing complainants and witnesses to submit written sworn statements, with the advice of their attorneys. Specific questions could be outlined in advance. Particularly if posed after officer testimony, these might at least offer complainants and witnesses a chance to rebut officer descriptions of the events that they contest.

I want to reiterate that the OPA Director has made progress triaging complaints and expediting investigations, down to an average of 52 days. The OPA is now considering solutions to the much longer time consumed (average of 121 days) for administration and review of investigations within the OPA structure. The Auditor, it should be noted, completes review within a week, while cases are *en route* to the Director, so that review does not require any additional time unless I order or ask for further investigation.

The Director has also worked to solve additional problems associated with the 180-Day Rule, such as what notification of a "supervisor" begins the clock running.

The Interplay of Criminal and Administrative Investigations

The Guild contract, in response to the advice of two "blue ribbon" panels, now provides for complete separation of criminal and administrative investigations of officers. This response to one well publicized particular case risks unintended consequences in others. As pointed out in my last Report, the situation bears watching.

There is now no oversight or involvement of OPA when an officer is being investigated for criminal conduct. The criminal division or other police department or court system can take an inordinately long time and OPA does not get a chance to investigate witnesses or effectively discover other officers who may have been involved or conduct interviews while memories are fresh without starting the clock running. OPA keeps a list of cases and charges which is shared (without officers' names) quarterly with the Auditor. The Auditor's and OPA's only collective recourse is to ask the Chief to follow up to try to expedite the investigations. Furthermore, the Guild has now indicated that it may argue that if a staff member of OPA shows up to observe a proceeding in court, such as a pre-trial hearing, that starts the 180-day clock running.

De-escalation Training, Take-Downs, and Citizen Contacts on the Street

It is disturbing to note how many OPA-IIS cases begin with a low level encounter between citizens and officers, over jaywalking for instance. Seven out of the 76 "obstruction only" cases I examined in an earlier report were for jaywalking. While pedestrian safety is a priority with policy makers, it is not with people casually stepping off the curb and they may wave an officer off, or continue across the street. From officers' point of view, jay-walking is an offense and this behavior is a challenge to their authority. They sometimes feel compelled to go hands-on to make their point. Fans coming from a football game, for instance, do not always make the best choices in this situation. People of color sometimes feel they have been singled out for attention.

Another variation is officers using profanity or particular hands-on techniques to "make an impression" on an unruly subject. It appears often to wind the situation up rather than down, however.

The physical force of "take-downs" can also escalate the force used in trying to control a suspect. I criticized the Unfounded outcome in one case where an individual had an obvious facial scrape and said the officers had rubbed his face into the ground, while the officers maintained the arrest was "without incident."

While taking a subject to the ground may offer a physical advantage, it often impels subjects to put their hands out to protect their faces or cushion their falls. The officers then end up struggling to get control of arms from underneath the prone body to handcuff. The Force Science Research Center has proposed a study to assess the risk and to identify the best approach to prone arrestees. It notes that one of the most dangerous positions a suspect can assume is prone on the ground with hands underneath where he or she might have a weapon. It notes that this situation often leads to very forceful responses by officers in attempts to get the person's arms out from under him or her. Are there better ways to control a person's arms from the outset? This question was asked by at least one supervisor in a case reviewed by OPA.

I have repeatedly advised that de-escalation training, including role-plays, builds crucial skills for officers in these situations. While it is mentioned in the use of force sections of the post Basic Law Enforcement Academy and the annual Street Skills training (both of which I have attended), it is not emphasized nor practiced with role-plays. While it is logical to integrate the training with discussion of more forceful options, de-escalation involves specific skills that deserve attention. Well-developed "salesmanship," communication skills, cultural competency and an arsenal of non-violent tactics make resort to force less frequently necessary. These skills also often result in better cases when individuals end up facing charges. Role-plays are a way of internalizing what may be described in a lecture or discussed in hypotheticals.

A close corollary is training in *Terry* (reasonable suspicion) stops versus social contacts, so that officers are aware of the rules limiting their authority. When reasonable suspicion is lacking, an officer only has the option to make a "social contact" to explore what he/she sees as suspicious or noteworthy

conduct. The individual is free to walk away, refuse identification or even take off running. In 19 of the 76 "obstruction only" arrests reviewed, the individual walked or ran away from the officer. Obstruction is a legitimate charge if the officer had reasonable suspicion at the outset to believe the individual was committing a crime, often a difficult distinction to make in an adrenaline-fueled moment or where a crowd is involved. I criticized the outcome in one case, for instance, where a complainant alleged the bicycle officer had grabbed him and pulled him up close in a so called social contact.

The Department has determined that this area is deserving of further training in or beyond the annual "use of force" module. Chief Kerlikowske appointed a Captain of "Ethics and Professional Responsibility" a year ago to focus initially on ethical decision-making and the exercise of discretion "…in dealing with arrest, search and seizure."

Precinct Captains say the most important training is at the precinct level, by supervising sergeants and at roll call immediately before officers hit the streets. It is most instructive where actual cases are reviewed and where the precinct has a training officer to plan and guide the training. Videos specific to Seattle Department policies, State and City law, would also be helpful, though expensive to produce.

The OPA has advanced these training goals on a case-by-case basis with findings of "Supervisory Intervention." The Director and I reviewed the feedback from the precincts on individual cases. The follow-up by supervisors seemed to be a direct and effective way to emphasize policies and law.

Use of Supervisory Intervention as a Disposition

I continue to believe that eight possible outcomes of cases are too many: confusing to the employees and the public. The Director of OPA agrees and is looking into the possibility of changing the number and definition of possible outcomes.

I have been critical of the expanding use of the Supervisory Intervention as a disposition for non-willful violations of Department Policy. I believe that this disposition, added in 2005, is misleading because it suggests by implication that a specific intent to violate a policy is prerequisite to a

finding of Sustained. I discussed a number of cases where the Director and I disagreed with the outcome in my last semi-annual Report.

That being said, the Director and I reviewed the feedback from the precincts in the Supervisory Intervention cases, and found that they occasioned useful training and counseling opportunities on an individual level. I believe cases with this disposition merit ongoing monitoring.

One example of a case where we agreed Supervisory Intervention was warranted involved an officer who arrested the complainant for theft and in the process took possession of several items of evidence as well as the arrestee's cell phone. At the complainant's request the officer placed the phone on the roof of the patrol car, then drove away forgetting it was there. While this was clearly mishandling of property, it was totally unintentional and the officer forthrightly took responsibility for the mistake. He in fact had gone back to the scene to try to recover the phone.

In some cases the Director and I have "agreed to differ" on the outcome. I agreed with the OPA-IIS Captain in one case that an officer overstepped his authority by treating a social contact like a reasonable suspicion stop, including insisting a passenger who had refused identification get out of the car. The young man resisted getting out, a back-up officer directed the original officer to pull him out, and the teen was forcibly pulled out with the help of a Taser application in his leg. The Director opted for Supervisory Intervention because the original officer was relatively new and both officers shared the confusion between a social contact and a *Terry* stop (including reason to fear a weapon.) She felt that training and counseling would more appropriately address the conduct.

The Director and I reached agreement on Supervisory Intervention in another case involving the officers' confrontation with a youth in the Central District suspected of throwing furniture in the street in the middle of the night. The officer justified his use of profanity and confrontation for its "shock" value, though he seemed to challenge the young man to respond physically. While I initially recommended a Sustained finding and the OPA-IIS recommended Exonerated, the Director and I agreed on Supervisory Intervention. This was one of many cases where in-car video recording the incident would have been valuable, but was not turned on.

Regular Use of In-Car Video

The OPA-IIS intake sergeants regularly request all 911 recordings and in-car video available for an event involved in a complaint. Sometimes, however, they or the follow-up investigators neglect to determine "why not" when the response comes back that "no in-car video is available." The Department has invested substantial money installing video cameras in patrol cars and time training officers to use them. In my experience, recordings from these cameras usually exonerate the officers of misconduct. People often do not accurately remember what happened when they have been stopped or accosted by police and their own adrenaline is running high. In some cases, however, the opposite is true, and the recording squarely disproves the officers' recollections. In either case, it is invaluable in resolving these disputed recollections.

The Director and I have agreed that the intake sergeant should take primary responsibility for following up, so that an additional policy violation can be included at the outset if the officer was trained, the circumstances apparently permitted, and the recorder was not turned on. I have also recommended that OPA keep track of cases lacking video where it would be expected.

The Director has reminded her staff several times of the importance of following up during an investigation as well. She has ordered Supervisory Interventions several times for employees that have not turned the equipment on. The OPA-IIS Captain has reminded the investigating sergeants that this may be an additional policy violation and asked that this issue be followed up during the employee interview.

OPA-IIS Access to In-Cell Video

There has been some confusion about access by OPA-IIS to holding cell video recordings. Last October I registered concern about the availability of in-cell video and the Director informed me a policy was being finalized by the Audits Division. In March I raised the issue again in reference to another claimed use of excessive force within a holding cell. The Director clarified with the Guild that an MOA provides for review during an OPA-IIS investigation. My concern was that the video, while reviewed by the investigating sergeant in this case at the precinct, was not available for my or

the Director's review. The Director was not concerned on the facts of the particular case, but agreed to assure future videos would be available to the Auditor.

Follow-Up on Cases Classified as Supervisory Referrals

Not to be confused with Supervisory Intervention as a disposition, Supervisory Referral is an initial classification where the policy violation, if any, is minimal, but mentoring is in order. I reviewed a dozen-case sample of these to see how they turned out. I was satisfied that supervisors are giving appropriate instruction to correct problematic behaviors in these cases. In only one the supervisor had not returned information to the OPA-IIS and OPA-IIS had sent a follow-up email. One was upgraded to a full investigation. Five were resolved with mediation satisfying both parties. I continue to be a big fan of mediation and Associate Director John Fowler will be sorely missed for his stewardship of this program.

I have continued to ask, in a few cases, just what follow-up is expected of the supervisor. For instance, in one case the complainant asked to remain anonymous. The Captain clarified what exactly he expected of the supervisor and the Director asked him to make this explicit in the referral.

Resource Allocation

The Mayor's Police Accountability Review Panel advised that the Auditor's responsibilities "…should be increased beyond its current part-time independent contractor status." Their commentary regarding this new role suggested that the Auditor review substantive policies and procedures well beyond the OPA, to include "…issues of training, allocation of resources among precincts or squads, deployment and use of lethal and less-lethal weapons, policing approaches and enforcement policies." To date, this Auditor has felt this was a considerable stretch of the job description in my contract.

I would like to comment, though, that it is disturbing to see service complaints to OPA where dispatch of officers is sometimes more than an hour after a 911 emergency call is made. While personnel shortages are being addressed through aggressive hiring and reorganization of policing sectors, there remain the issues of resource allocation among enforcement policies. In my Obstruction Report, I noted that:

> The policy questions for the Department are whether, for instance, heavy attention to buy-bust narcotics deals, with surreptitious surveillance and undercover operations, including the "cooperation" of by arrested buyers and dealers in making other arrests, is the best response to "clean up" drug trafficking and loitering in a neighborhood. Budget restraints in the prosecutor's office have resulted in revised felony prosecution guidelines, as well as the loss of a dedicated "drug unit," which will mean non felony prosecution for small amounts of drugs. A case can be made that intensified presence of uniform officers and community policing techniques yield better long term results than arrests at the user level.

It is always a challenge to assess the most productive investment of limited resources – including how police presence and actions can build positive relationships in the community as well as crime interdiction. But the delay in response to 911 calls is a serious concern. In one case, [08-0414] I criticized an "exigent circumstances" entry into a supposed domestic violence scene against the wishes of the residents. My point was, if it was indeed exigent, 90 minutes was not an acceptable response time.

The Department has invested in numerous outreach efforts to diverse communities, as recounted in my Report on the subject. These positive efforts can be seriously undermined with a few high profile incidents of claimed over-reaching.

SUGGESTED TOPICS FOR FUTURE INVESTIGATION

The Director, the OPA Review Board, the new Auditor, and I have all had conversations about topics for further review and investigation. The follow-up on the Department's **relationship with diverse communities** is well underway.

I will be forwarding a very full file on the use of **Tasers** to the new Auditor, though complaints about Taser use in this Department are few. The Department's latest update on use can be found at http://www.seattle.gov/police/publications/Special/TaserUseUpdate0408.pdf. It totals 1341 incidents using Taser from 2001 through April 2009. I have been following the issue and reading research for the last five years. Tasers can be an important supplement to officers' options in dealing with active resistance. The issues are primarily ones of training and standards. For instance, should Tasers be sanctioned to overcome passive resistance,

such as the teenager's bracing himself against being pulled out of the car in the incident described earlier in this Report?

The Director and I have been discussing the issues surrounding the standard of proof in administrative cases and in **the employee appeal process.** We have read a number of the cases before the Disciplinary Review Board and the Public Safety Civil Service Commission. (Employees choose which route to pursue if they appeal.)

One case currently before the Commission will address the standard of proof in a case involving lying, even if the employee is not fired. Other cases also involve the new provision in the Guild contract providing for presumptive firing for dishonesty. By informal arbitrator decision, the standard in a dismissal case is proof by clear and convincing evidence. With lesser discipline, however, the standard used within the Department is preponderance of evidence. The standard on review is described in a number of different ways by arbitrators. It seems that the standard or standards of proof should be the same at every stage of an administrative discipline case.

The degree of "review" in the Disciplinary Review Board or Commission is also in contention. The law says the Chief is the final decision maker. What does this mean in the review? One case before the Court of Appeals will be addressing whether the Commission should be making credibility decisions anew or simply deciding whether the Chief had just cause for his discipline. Even if the record should be reviewed *de novo*, should these review bodies be considering new evidence not before the OPA or the Chief? Arguably this encourages employees to withhold information and evidence until the "review," seriously undercutting the administrative discipline process as a whole. These are open questions, some of which are already before the courts.

Other topics that suggest themselves are the **role of the Guild representative** during the investigation and appeal; the functioning and membership of the **Firearms Review Board** (though the OPA is not involved); **the *Garrity* policies** (already under review by the Director) determining how and when officers must respond to supervisors about the facts of an incident; and the relationship between **administrative and criminal** investigations.

CONCLUSION

Civilian oversight of law enforcement is an evolving field. It has been fascinating to be part of the conversation for the past five years. I continue to believe that Seattle has one of the best systems in the country, though it is sometimes difficult to understand from the outside because of its multiple checks and balances. I feel confident in the talent, dedication and cooperation of the civilian Director of OPA, the OPA Review Board, and the new OPA Auditor to carry this work forward.

Respectfully submitted,

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Katrina C. Pflaumer
OPA Auditor

Dated this 3rd of June, 2009