

OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)
COMPLAINT REPORT
April-May-June 2013
Outgoing OPA Director's Message
from Kathryn Olson

The Office of Professional Accountability (OPA) Complaint Report provides information about Seattle Police Department (SPD) misconduct complaints. This report includes summaries on cases closed during the April, May and June 2013, along with data on the number and classification of complaints filed, with a comparison to 2012. The report provides charts showing the percentage of cases closed with different findings, information about the OPA mediation program, and policy and training recommendations.

- In the second quarter of 2013, there were 44 complaints filed against 72 employees, representing 5.03% of 1,431 total SPD employees.
- 17% of allegations closed from January through June 2013 were Sustained, resulting in discipline (as compared to a total of 12% Sustained complaints in 2012).
- 12% of allegations closed to date in 2013 resulted in a Training Referral, meaning that the named employee received training or counseling as a result of the complaint (as compared to a total of 19% of allegations closed with a similar finding in 2012).
- The remaining cases were closed as Unfounded, Lawful and Proper, or Inconclusive.

I was asked to write an (Outgoing) OPA Director's Message about April, May and June 2013 cases, as I was still heading up OPA at the time. I appreciate the chance to comment about trends I observed and to tie my observations to broader OPA and Departmental issues. I remain humbled by the opportunity I had to serve as OPA Director 2007 – 2013.

While working with OPA, I was committed to fostering an effective investigation and discipline system that addressed concerns of the public and SPD employees, providing accountability and transparency throughout. Civilian oversight of policing is continually evolving and OPA Director Murphy, the Community Police Commission, the Seattle Police Monitor, and others will find ways to improve OPA's structure and processes. A number of outcomes reflected in this report are important to consider, as changes are contemplated.

Fostering a culture where it is everyone's job to ensure professionalism

Approximately 2/3 of OPA complaints in the first six months of 2013 (and 2012) were referred to a supervisor to handle directly with the complainant and officer ("Supervisor Action"), as compared to a 50% supervisor referral rate when I started in 2007. I increased the number of cases classified for Supervisor Action when a low-level issue is involved (such as rudeness) and discipline is unlikely, even if the allegation is proven. Allowing supervisors to handle these matters provides faster complaint resolution, assists sergeants in management of officer performance, helps officers and sergeants develop proactive problem-solving relationships with the community, and lets OPA focus on the most serious complaints.

Under my direction, OPA simplified the complaint classification and findings systems and developed a process where the OPA Director and Auditor review cases classified for Supervisor Action, confirm the steps the supervisor will take, require a 30-day turn-around, and require written documentation on how the matter was handled and a closing letter to the complainant. OPA provides assistance and feedback to supervisors as needed, and oversight of the entire process.

Steps are underway to identify precinct coordinators who are specially trained in OPA matters, but who could also monitor roll-call training, quickly disperse information about new policies or legal directives,



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and take other steps to promote professionalism, even when an OPA complaint is not at issue. The goal is to consider matters of professionalism from many angles, and provide support throughout the Department to encourage effective, respectful policing.

After over a year of trying to develop an in-house system, SPD is moving to a program called IA Pro to track complaints, use of force and other data. AIM, which is currently in use, has information in silos, which does not facilitate comprehensive analysis, and is not accessible by employees or supervisors. Along with involving supervisors in handling some OPA complaints and Training Referrals, I have maintained that performance management requires supervisor access to complaint and use of force data. Officers also should be able to access this information to monitor their own conduct. IA Pro will support these and other important goals.

Evaluating OPA's strengths and weaknesses – addressing mistrust

17% of closed cases in the first six months of 2013 were Sustained, while OPA typically Sustains 11 – 13% of cases in any given year. Those charged with evaluating OPA investigations have made positive remarks about the overall quality, noting they are “generally thorough, ... well-documented, and thoughtful” (Settlement Agreement between Seattle and DOJ), “professional, complete, ...” (Seattle Police Monitor First Semiannual Report, April 2013), and that “[t]he investigators were impartial, respectful of all Complainants, thorough and diligent.” (Semi-Annual Report of the OPA Civilian Auditor January – June 2013). OPA personnel represent some of the best in the Department and a number of systems were instituted the past six years to promote high quality work. As changes to OPA are considered, the Training and Operations Manual I drafted provides an overview of important values and procedures that underlie thorough, professional investigations.

Regardless of general praise for OPA investigations, a number of problems persist:

Some complainants and some SPD employees distrust OPA, requiring on-going efforts to address any perception that the investigative system is unfair or biased. My goal was always to collect evidence necessary to determine the facts and truth of the allegations made in a case. No SPD Chief, commander or anyone else ever directed me or pressured me to make a particular decision about an OPA complaint. However, because some do not trust the OPA process, Director Murphy is taking steps to emphasize the independent nature of OPA decision-making.

Also, despite a variety of attempts to reduce timelines, the OPA process remains complex and takes too long. Though lengthy investigations do not impact the Chief's ability to discipline employees when needed, officers and complainants deserve a speedier, more efficient process. After many earlier requests by OPA, Director Murphy has been authorized to hire a staff person who can help analyze and address the complex timeline issue.

Teaching communication skills to promote respectful police/community interactions

The allegations in closed cases reported here are typical of those OPA receives. A single complaint can involve multiple officers and multiple allegations. OPA added issues or named other employees when appropriate. Some complaints were referred to OPA from SPD personnel and others involved the failure to refer a matter to OPA when it should have been. While many different types of allegations were raised in the cases closed in April, May and June 2013, a few observations follow:

Nearly half of the 45 closed cases involved one or more professionalism issues (an isolated use of profanity, rudeness, etc.) or misuse of force or failure to report use of force.

Eight of the 45 closed cases involved allegations of both professionalism and misuse of force, including one that was Sustained on force and resulted in a Training Referral on professionalism. This underscores how important the work of the Use of Force Review Board is and why it should consider communications between officers and the public in analyzing incidents, even if there is no misconduct to refer to OPA. Efforts begun last year to develop protocols between OPA and the Use of Force Review



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Board should continue, and the Director and/or other OPA representative should continue to attend all Use of Force Review Board meetings.

Given the prevalence of complaints about basic professionalism issues, it is imperative that SPD continues to develop effective communication training. I was involved with the original work with COPS and the King County Sheriff's Office on LEED (Listen and Explain to promote Equity and Dignity) and believe this or similar training on procedural justice and issues of implicit bias is central to enhancing trust and respect between the community and Department.

The OPA Captain, Chain of Command, Chief of Police, OPA Director and Auditor usually agree about the issues and outcome of OPA investigations. In my view, this reflects a shared understanding of what constitutes serious misconduct. However, where there was disagreement, I summarized my reasoning and that of others in the Director's Certification memo. As seen in two cases in this report, if the OPA Director recommended a Sustained finding and the Chief disagreed, an explanation to the Mayor and City Council is required by SMC 3.28812. Reporting differences of opinion, through the Director's Certification and SMC 3.28812, promotes accountability and transparency in the OPA investigation process.

Police conduct issues are of great concern to individuals involved in police incidents, officers named in complaints, and the public at large. Though the great majority of officers never face an OPA investigation, a reliable system to handle complaints is integral to constitutional policing and the professionalism expected of everyone at SPD. Along with on-going improvements to OPA to make sure complaints continue to be handled appropriately, reforms being made throughout the Department will ensure fair and effective policing for Seattle. I appreciate the opportunity I had to work with SPD employees and Seattle community members to further these goals.



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Complaint Report
April-May-June 2013

Cases involving alleged misconduct of SPD employees in the course of their official public duties are summarized below. Identifying information has been removed.

April-May-June Closed Cases

Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that a subject of a shoplifting arrest divulged that an off-duty SPD Officer had been allowing her to escape detection and arrest for previous large thefts of hard liquor from a grocery store.</p>	<p>Allegation and Finding: 1. Violation of Law-Administrative (Theft)— Unfounded</p> <p>The evidence, including a lengthy criminal investigation and decline to file charges from the King County Prosecutor’s Office, found that the officer’s involvement with the alleged thefts did not occur as reported.</p>
<p>The complainant, a Parking Enforcement Field Training Officer, alleged that the named employees have been unprofessional when interacting with newly hired Parking Enforcement Officers by interfering with established duties and training procedures.</p>	<p>Allegation and Finding: Named employee #1 1. Professionalism/Policy—Unfounded Named employee #2 1. Professionalism/Policy—Training Referral Named employee #3 1. Professionalism/Policy—Sustained Named employee #4 1. Professionalism/Policy—Training Referral</p> <p>The evidence showed that named employee #1 was supportive in her comments and actions with the new PEOs. The evidence showed that employee #2 & #4 were supportive; however, the employees should have relayed or instructed new PEOs to discuss their concerns with the Field Training Officer (FTO). A Training Referral will allow for a supervisor to instruct the employees that, when new employees have concerns, the information needs to be relayed to the FTO to evaluate and address their concerns immediately. The evidence showed that named employee #3 made disparaging remarks about the FTO Program and individual supervisors.</p> <p>Corrective action for named employee #3: 3-day suspension without pay</p>



Case Summary	Case Finding
<p>The complainant alleged named employee made contact with him after he finished relieving himself in a store parking lot due to a medical problem and while shielding himself from the public. It is alleged that the named officer was rude, dismissive and would not listen to his explanation as to why the need to urgently relieve himself. The complainant also alleged he received a citation in the mail several days later and when contesting the citation, the named officer did not show up in court. OPA added an allegation that the named employee did not have a current Secondary Employment Permit and for failing to log in with Communications at the start of shift.</p>	<p>Allegation and Fining:</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Lawful & Proper 2. Professionalism-Courtesy—Inconclusive 3. Secondary Employment Permit—Sustained 4. Secondary Employment/Radio Responsibilities—Sustained 5. Court Appearances/Failure to Appear—Training Referral <p>The evidence showed that the named employee was justified and within his discretion as a police officer in citing the complainant. It could neither be proved nor disproved by preponderance of the evidence if the named employee was discourteous to the complainant. The evidence showed that the named employee did not have a current Secondary Work Permit to work at this establishment, nor did he log in with Communications at the start of his shift. The evidence also showed that the named employee did miss the court appearance. Counseling by his immediate supervisor will benefit the named employee on the importance to always appear when subpoenaed to court</p> <p>Corrective action for Failure to obtain Secondary Work Permit and Failure to Log in With Communications: 1-day suspension without pay</p>
<p>The complainant, a supervisor with the Department, alleged that the named employee was arrested for DUI and consumed alcohol while driving a City vehicle at the time of the arrest.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law-Administrative (DUI)—Sustained 2. Intoxicants-Alcohol and Substance Use—Sustained <p>The evidence showed that the named employee was arrested for DUI and was consuming alcohol in a department vehicle.</p> <p>Corrective action: Termination</p>



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Case Summary	Case Finding
<p>The complainant alleged that the named employees forcibly removed him from a public event and did not properly document the incident. OPA added the allegation that the named employees did not obtain a Secondary Work Permit for this event and failed to log in with Communications at the start of their shift.</p>	<p>Allegation and Finding: Two named employees, same allegations, same findings:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Secondary Employment Permit—Sustained 3. Secondary Employment/Radio Responsibilities—Sustained 4. Primary Investigations—Training Referral <p>The evidence showed that the named employees used minimal non-reportable force when asked by the PR Manager of the event to remove complainant because he was causing a disturbance. The evidence showed that the incident was verbally screened at the end of the employees' shift with a precinct Sergeant and they were told no General Offense Report was necessary. However, it would have been best practice if the officers had documented the incident in the Computer Aided Dispatch History System. A Training Referral finding will assist the officers to review this incident with their supervisor and for the supervisor to discuss with them the best practice to document all initiation of police action. The evidence showed that the named employees did not obtain a Secondary Work Permit prior to working this event, nor did they log in with Communications prior to their shift.</p> <p>Corrective action for both named employees: Written reprimand</p>
<p>The complainant alleged named employee followed her into the restroom where he physically held and choked her while accusing her of trying to flush a crack pipe. OPA added an allegation that the named employee failed to report the use of force and failed to log in with Communications at the start of his off-duty shift.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Inconclusive 2. Failure to Report the Use of Force—Lawful & Proper 3. Secondary Employment/Radio Responsibilities—Sustained <p>The unnecessary use of force allegation could not be proved nor disproved by a preponderance of the evidence. The evidence showed that named employee followed proper procedure in not filing a Use of Force Report. The evidence also showed that the named employee did not log in with Communications prior to his off-duty assignment per SPD Policy & Procedures.</p> <p>Corrective action: Oral reprimand</p>



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Case Summary	Case Finding
<p>The complainant, an employee of SPD, alleges that named Sergeant failed to fulfill his supervisory responsibilities by allowing his subordinates to pile equipment and trash around his desk while he was on extended leave. The complainant also alleges named Sergeant would allow his squad to leave mid shift on a number of occasions.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors-Lawful & Proper <p>The evidence showed that the complainant was on limited duty to another unit located several miles away. Complainant acknowledged that he never complained about his desk but when he did the area was cleaned up immediately. Several members of the team stated that this type of behavior was accepted as good-natured and intended as team building. The evidence also showed that the named Sergeant did release his squad on occasion where they had an unusually long day or were expected to adjust their shift for special operations. The named Sergeant would get prior approval from the Watch Commander prior to releasing his squad early.</p> <p>Though the conduct was found Lawful & Proper, the Precinct Captain and Lieutenant discussed with officers and supervisors the sometimes fine line between behavior intended as a joke and to build a sense of cohesion and conduct that is experienced as negative or overly personal.</p>
<p>The complainant, a supervisor within the Department, alleged that the named employee failed to follow direction of his superiors when he has been repeatedly counseled about rudeness, interruptions, and incomplete interactions with 911 callers. Further, it is alleged that the named employee hung up on 911 callers preemptively, which he had also been counseled against.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Failure to Follow Direction-Chain of Command—Sustained 2. Professionalism-Courtesy—Training Referral <p>The evidence showed that the named 911 Dispatcher failed to follow his training direction from his supervisor. The evidence showed that there was no specific discourteous conduct by the named employee as much as a failure to listen and respond to specific information received during a call. A Training Referral will benefit the employee from counseling by a supervisor on the appearance of rudeness.</p> <p>Corrective action: 1-day suspension without pay held in abeyance for 12 months. At the end of the 12 month period, named employee may petition the Chief of Police to have the discipline reduced to a Written reprimand. Any additional improper handling of calls within the next 12 months may result in the imposition of the 1-day suspension without pay and additional discipline for the new violation up to and including termination.</p>



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Case Summary	Case Finding
<p>The complainant alleged that named officer pushed and grabbed him when named employee was responding to a disturbance call at his residence. The complainant further alleged that the named employee refused to leave his residence after being asked.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Searches-General/Procedures—Lawful & Proper <p>The evidence showed that the named employee used minimal force by extending his arm when complainant advanced toward him after being asked to stand back. The evidence also showed when officer knocked on the complainant's door, the complainant told him to "come in". The evidence showed that the name officer was on this call for approximately seven minutes.</p>
<p>The complainant, father of the subject who was arrested for assaulting a police officer during a protest, alleged that the named officers used unnecessary force while arresting his son. OPA added an allegation that the named Sergeant did not screen the assault on an officer with a Lieutenant or above, per SPD Policy & Procedures.</p>	<p>Allegation and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Arrest Procedures/Officer's Responsibilities-Assault of an Officer—Lawful & Proper <p>Two named employees, same allegation, same finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence showed that the named employees used minimal, non reportable force taking subject into custody for assaulting a police officer. The evidence also showed that the named Sergeant did screen an assault of a police officer with the incident commander of the protest.</p>
<p>The complainant alleged that the named employees illegally stopped and searched him without cause.</p>	<p>Allegation and Finding:</p> <p>Two named employees, same allegations, same finding</p> <ol style="list-style-type: none"> 1. Social Contacts, Terry Stops & Arrest/Terry Stop—Lawful & Proper 2. Searches-General/Procedures—Lawful & Proper <p>The evidence showed that the complainant was legally stopped after the named employees received a complaint that he was selling drugs. Complainant was found to have an outstanding warrant and he was searched while being taken into custody, per Department Policy & Procedures.</p>



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Case Summary	Case Finding
<p>The complainant alleged that the named employee entered his residence without permission. Once inside, the complainant alleged that the named employee made threats to physically harm him if he did not shut up.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Lawful & Proper 2. Professionalism-Profanity-Unfounded 3. Searches-General/Procedures—Unfounded <p>The evidence, including an admission by the officer, showed the named employee sternly told complainant to “shut up,” as the complainant became verbally abusive and talked about being an undercover agent with the United States Marshall. The evidence, including an eyewitness, showed that the named employee did not use profanity nor did he enter the complainant's room.</p>
<p>The complainant, a relative of the named employee, alleged that the named employee used SPD computers to download movies from the internet and then made numerous illegal copies of the movies.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. City Equipment/Police—Unfounded 2. Department E-mail & Internet Policy—Unfounded <p>The evidence showed that the allegations alleged did not occur as reported.</p>
<p>The complainant, who was arrested for shoplifting, alleged that the named employee called him a derogatory racial slur</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Unfounded 2. Professionalism-Derogatory Language—Unfounded <p>The evidence, including In-Car Video and Holding Cell Video, showed that the alleged allegations did not occur as reported.</p>
<p>The complainant, who was creating a disturbance on a city bus, alleged that the named employee falsely accused him of a crime and used unnecessary force when detaining him while waiting for responding deputies.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Lawful & Proper 2. Unnecessary Use of Force—Lawful & Proper <p>The evidence showed that the named employee was justified in detaining the complainant for the disturbance he was causing on the bus. The evidence also showed that the named employee used necessary, un-reportable force to detain the complainant until deputies arrived.</p>



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Case Summary	Case Finding
<p>The complainant, who was arrested for assault, alleged that the named employees took possession of his property, including a laptop computer and luggage, and the items were now missing.</p>	<p>Allegation and Finding: Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Evidence & Property/Policy—Unfounded <p>The evidence, including In-Car Video, showed that, at the time of his arrest, the complainant did not possess a laptop computer nor luggage, as reported.</p>
<p>The complainant, a taxi driver, alleged that the named employee twice called him a disparaging name after he stopped his taxi in the roadway.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Professionalism-Profanity—Inconclusive <p>The allegations could not be proved nor disproved by a preponderance of the evidence.</p> <p>The OPA Captain suggests that the Precinct Commanders reach out to small business such as taxi companies and parking lot owners who are resistant to responding to OPA investigations, out of concern that their relationship with the Department will be jeopardized. These business owners should be encouraged to report misconduct and to cooperate with OPA, and given assurance that retaliation will not result.</p>
<p>The complainant, who was arrested and booked into jail, alleged that when he received his wallet back after being released from jail, \$40 was missing. The complainant also alleged that he sustained further injuries to a pre-existing shoulder and back injury when he was handcuffed.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Evidence & Property/Policy—Inconclusive 2. Unnecessary Use of Force—Unfounded <p>The allegation of missing evidence could neither be proved nor disproved by a preponderance of the evidence. The evidence, including a screening of the arrest by a Sergeant, found that the alleged use of force allegation did not occur as reported.</p>
<p>The complainant, who was causing a disturbance on a City bus, alleged that the named officer used unnecessary force while removing her from the bus and refused to listen to her side of the incident.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Unfounded 2. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including statements from eyewitnesses, showed that the named officer was not discourteous toward the complainant. The evidence showed that the named officer used necessary, un-reportable force while removing the complainant off the bus.</p>



Case Summary	Case Finding
<p>The complainant, an attorney for the subject, alleged that an OPA investigator engaged in retaliation of his client by requesting charges be filed against him. He also alleged that supervisors of the investigator were aware of this and did nothing to prevent this from occurring.</p>	<p>Allegation and Finding: Named employee #1</p> <ol style="list-style-type: none"> Public and Internal Complaint Process— Inconclusive Professionalism-Exercise of Discretion— Inconclusive <p>Named employee #2 & #3 Same allegation, same finding</p> <ol style="list-style-type: none"> Responsibility of Supervisors—Lawful & Proper <p>This case was investigated by the City's Ethics and Elections Commission. The allegations against named employee #1 could not be proved nor disproved by a preponderance of the evidence. The evidence showed the actions of named employees #2 and #3 was proper.</p> <p>The OPA Captain noted: The issue of OPA members having contact with prosecutors is currently addressed in the new OPA manual. Until the final manual is approved, the expectations for current and new members of OPA are as follows: (1) OPA Sergeant-Investigators must avoid retaliation or the appearance of retaliation when contacting a prosecuting authority; (2) Sergeant-Investigators may be in contact with the prosecutor's office to monitor the status of criminal charges pending against an officer, or to clarify the status of criminal charges against a complainant, to determine if there is information relevant to the OPA Investigation; and, (3) if a Sergeant-Investigator discovers evidence of a crime committed by a complainant, the Sergeant-Investigator will brief the OPA Lieutenant, and shall document the evidence and forward it through the OPA chain of command for approval.</p>



Case Summary	Case Finding
<p>The complainant, who was leaving a sporting event, alleged that an officer “clothes lined” him as he was crossing the street and that this officer and another named employee both yelled profanities toward him, refused to identify themselves, and were unprofessional.</p>	<p>Allegation and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Professionalism-Profanity—Inconclusive 3. Unnecessary Use of Force—Unfounded 4. Reporting the Use of Force—Unfounded 5. Professionalism-Duty to Identify—Inconclusive <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Professionalism-Courtesy—Inconclusive 2. Professionalism-Profanity—Inconclusive 3. Unnecessary Use of Force— Inconclusive 4. Reporting the Use of Force—Inconclusive 5. Professionalism-Duty to Identify—Inconclusive <p>The allegations of Courtesy, Profanity and Duty to Identify against both named employees could neither be proved nor disproved by a preponderance of the evidence. The allegations of Unnecessary Use of Force and Reporting the Use of Force against the named employee #2 could neither be proved nor disproved by a preponderance of the evidence. The evidence showed that the allegations of Unnecessary Use of Force and the Reporting of Use of Force against the named employee #1 did not occur as reported.</p> <p>Note: OPA was not able to identify named employee #2. OPA recommended that supervisors be reminded that Staffing Sheets for all special events and similar documents should provide an accurate accounting as to the identity and assignment of all officers working at any given time.</p>
<p>The complainant alleged that the named employee did not listen to his side of the story prior to making a decision to arrest him. The complainant also alleged that the named employee arrested him because of his race, and that the named employee used unnecessary force while placing him in handcuffs.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Professionalism-Exercise of Discretion—Unfounded 2. Unnecessary Use of Force—Unfounded 3. Biased Policing—Unfounded <p>The evidence, including statements from several eyewitnesses, showed that the alleged allegations did not occur as reported.</p>



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Case Summary	Case Finding
<p>The complainant, while being taken into custody, alleged named employees used excessive force when placing him on the ground.</p>	<p>Allegation and Finding: Two named employees, same allegation, same finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including In-Car Video and eyewitnesses, showed that the named employees used necessary force taking the complainant into custody.</p>
<p>The complainant, a supervisor within the Department, alleged that another supervisor saw the named employee at a business establishment on the same day named employee requested time off to care for a sick dependant.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Honesty—Sustained 2. Absence From Duty/Unauthorized Absences—Sustained <p>The evidence showed that the named employee was not caring for a sick dependant as reported to his supervisor when he requested time off.</p> <p>Corrective action: 5-day suspension without pay; Disciplinary transfer</p>
<p>The complainant alleged that the named employee used unnecessary force on her while investigating an alleged domestic violence incident where she was the victim. The complainant also alleged that the named employee laughed at her while she was having a panic attack.</p>	<p>Allegation and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded 2. Professionalism-Courtesy—Training Referral <p>The evidence showed that the named employee #1 used a proper escort hold on victim as she became out of control, yelling, waving her arms and kicking an SPD vehicle. The evidence showed that named employee #2 did not use force on the complainant as alleged. A training referral for the courtesy allegation will benefit named employee #2 as she and a supervisor review this incident together and discuss how members of the public might misperceive an officer's off-hand behavior, perhaps made under stress of the situation, and suggest ways to handle stress outside of the public view.</p>



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Case Summary	Case Finding
<p>The complainant, a third party, alleged that the named officers failed to take appropriate action while allowing a fight to occur in front of them, in a public space.</p>	<p>Allegation and Finding: 2 named employees, same allegation, same finding; 1. Professionalism-Exercise of Discretion—Unfounded</p> <p>2 named employees, same allegation, same finding; 1. Professionalism-Exercise of Discretion—Training Referral</p> <p>The evidence determined that 2 named employees were either not at the scene or left the scene before the incident occurred. The evidence showed that 2 other named employees thought it was within the rights of two agreeable adults to fight in public. A Training Referral finding will benefit both named employees as they review this incident with their supervisor and the supervisor reviews with them SMC 12.A.025 (Fighting), which states it is unlawful for any person to fight with another in a public place.</p>
<p>The complainant, a Parking Enforcement Officer Supervisor, alleged that the named employee issued parking infractions inappropriately by noting incorrect distances for the fire hydrant parking violations. OPA added an allegation of Honesty for failure to document the accurate measurement of a violator’s vehicle in the official parking citation.</p>	<p>Allegation and Finding: 1. Honesty—Inconclusive 2. Tickets-General/Policy—Sustained</p> <p>The allegation of Honesty could neither be proved nor disproved by a preponderance of the evidence. The evidence did show that the named employee did not accurately document measurements of violator’s vehicles when parking next to a fire hydrant.</p>
<p>The complainant, who was being issued a parking citation, alleged that the named Parking Enforcement Officer (PEO) was rude and abrupt during their interaction.</p>	<p>Allegation and Finding: 1. Professionalism-Courtesy—Inconclusive</p> <p>The allegation of discourteousness could not be proved nor disproved by a preponderance of the evidence.</p>
<p>The complainant, a Sr. Special Agent with the US Immigration and Customs Enforcement, alleged that the named employee failed to report misconduct by another member of a Task Force.</p>	<p>Allegation and Finding: 1. Public and Internal Complaint Process/Observation of Misconduct—Unfounded</p> <p>The evidence showed that the alleged allegation did not occur as reported.</p>



Case Summary	Case Finding
<p>The complainant, a third party, alleged that the named employee used unnecessary force to arrest subject. OPA added an allegation that the responding named employee failed to assist the complainant in filing an OPA complaint.</p>	<p>Allegation and Finding: Named Employee #1 1. Public and Internal Complaint Process/Observation of Misconduct— Unfounded</p> <p>Named Employee #2 1. Unnecessary Use of Force—Training Referral</p> <p>The evidence showed that the allegation of failure to assist the complainant in filing a complaint did not occur as reported. The evidence showed that named employee #2 could benefit from a Training Referral finding so that a supervisor and the named employee can review this incident and the supervisor can provide guidance on how an officer should sufficiently articulate the thought process and basis for a stop and arrest in a General Offense or Use of Force Report where use of force results.</p>
<p>The complainant, a supervisor within the Department, alleged that the named employee failed to safeguard/account for narcotics checked out to train her narcotics canine partner.</p>	<p>Allegation and Finding: 1. City Equipment/Policy—Sustained 2. Narcotics & Firearms Property Release for Training Canines/Narcotics Training Documentation and Storage—Training Referral</p> <p>The evidence showed that the named employee did not properly secure a training aid after a training session with her K-9. Regarding the allegation of documenting lost K-9 training aids, a Training Referral will benefit the named employee by having a supervisor review this case with her and include a discussion about the need to always report missing or lost training aids.</p> <p>Corrective action for City Equipment/Policy: 1-day suspension without pay.</p>



Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that the named employee worked off-duty while he was placed on Administrative Reassignment. The complainant also alleged that the named employee has a financial interest in a private investigation business owned by his spouse.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Insubordination—Unfounded 2. Secondary Employment/Prohibited—Inconclusive 3. Secondary Employment/Policy—Unfounded <p>The evidence showed that the named employee did not engage in secondary employment while on administrative reassignment. As for the allegation that the named employee had a financial interest in a private investigation business owned by his spouse, it could neither be proved nor disproved by a preponderance of the evidence.</p> <p>Note: The Outgoing OPA Director recommended that the Audit, Policy & Research Section clarify the Department’s policy on an employee having a financial interest in a private investigation business owned by a spouse.</p>
<p>The complainant, a third party, alleged that the named employee used unnecessary force in the form of OC spray and taking a subject to the ground during the May 1 protest. OPA added an allegation of dishonesty against a named employee based on a news media interview with a subject who stated the named employee falsified her statement of probable cause to have the subject charged with assault of an officer.</p>	<p>Allegation and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Honesty—Inconclusive <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>Named employee #3</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Training Referral <p>The evidence, including video of the May 1st Protest and review by incident commanders, showed that the named employee #1 and #2 used reasonable and necessary force taking the subject into custody. For the allegation of Dishonesty against the named employee #2, this could neither be proved nor disproved by a preponderance of the evidence. Regarding the allegation of unnecessary use of force against named employee #3, the evidence showed that named employee #3 accidentally deployed OC spray during this incident. A Training Referral is appropriate so that the situation can be reviewed with named employee by a supervisor who will discuss steps to avoid accidental pepper spray discharges in the future.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>The complainant, a supervisor within the Department, alleged that the named employee was arrested for Violation of Law (DUI & Hit and Run) while driving a City vehicle. It is also alleged that the named employee failed to provide proper notice and documentation of being involved in a Department vehicle collision.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law (DUI, Hit & Run)—Sustained 2. Department Vehicles/Rules of Operation—Sustained 3. Collisions Involving City Vehicles—Inconclusive <p>The evidence showed that the named employee was arrested for Violation of Law (DUI and Hit & Run) while driving a City vehicle. It could neither be proved nor disproved by a preponderance of the evidence that the named employee would not have notified a supervisor regarding the collision.</p> <p>Corrective action: 5-day suspension without pay, to be held in abeyance until all conditions of SMC Agreement to Continue have been fulfilled; Written reprimand</p>
<p>The complainant, a supervisor within the Department, alleged that the tactic used to gain control of a suspect during an arrest by the named employee was questionable. The complainant also alleged that the named employee was discourteous and used profanity during the interaction with the subject.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary use of Force—Sustained 2. Professionalism-Profanity—Training Referral 3. Professionalism-Courtesy—Training Referral <p>The evidence showed that the named employee did use unnecessary force on the subject while taking him into custody. The evidence also showed that the named employee used profanity during this incident. A Training Referral will benefit the named employee by reviewing this incident with a supervisor and for the supervisor to address the isolated instance of profanity used by the named employee in exasperation.</p> <p>Corrective action: 8-day suspension without pay; 1-day held in abeyance for two years. If there is future sustained discipline for the same or similar misconduct, the additional day will be added to whatever level of discipline is imposed for the future misconduct.</p>



Case Summary	Case Finding
<p>The complainant, who came into contact with the named employees while they were investigating an unoccupied running vehicle parked in a fire lane in a shopping center, alleged that the named employees arrested him without probable cause, used excessive force, falsified the general offense report, and called him disparaging names during the incident.</p>	<p>Allegation and Finding: Named employee #1</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Social Contacts, Terry Stops & Arrests—Training Referral 3. Honesty—Unfounded 4. Professionalism-Courtesy—Training Referral <p>Named employee #2</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence, including In-Car Video, showed that the force used by both named employees was justified and necessary while taking the subject into custody. With regard to the Terry Stop allegation, a Training Referral will assist named employee #1 as a supervisor reviews this incident with the named employee and guides him in articulating facts to support a Terry Stop in future General Offense Reports. Additionally, during this training session with named employee #1, the supervisor will guide the named employee with alternative communication strategies, such as LEED (Listen and Explain with Equity and Dignity). Regarding the allegation of Honesty, the evidence showed that the named officer did not falsify the general offense report.</p>
<p>The complainant alleged she observed named employees use excessive force against a female while taking her into custody and also place a bag over her head.</p>	<p>Allegation and Finding: Two named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>One unknown named employee:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Unfounded <p>The evidence showed that the named employees were justified in using force while taking the suspect into custody and a spit sock was placed over suspect's head to protect the named employees from infectious biohazards. Regarding the allegation against the unknown employee, the evidence showed there were only two officers assigned to this incident.</p>



Case Summary	Case Finding
<p>The complainant, a manager of a parking lot, alleged that the named employees did not completely investigate an incident and were discourteous during this interaction. The complainant also alleged that the named employee #2 retaliated against him for filing this complaint by visiting his place of employment to harass him. OPA added an allegation of Failure to Use In-Car Video against both named employees and also added an allegation of Honesty against named employee #2 for inconsistent OPA testimony.</p>	<p>Allegation and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> 1. In-Car Video/Policy—Unfounded 2. Professionalism-Courtesy—Inconclusive 3. Professionalism-Exercise of Discretion—Training Referral <p>Named employee #2</p> <ol style="list-style-type: none"> 1. In-Car Video/Policy—Sustained 2. Professionalism-Courtesy—Inconclusive 3. Professionalism-Exercise of Discretion—Sustained 4. Complaint Process/Retaliation—Inconclusive 5. Honesty—Inconclusive <p>The Interim Chief of Police found that a finding of Inconclusive was more appropriate for named employee #2 on the allegations of Complaint Process/Retaliation and Honesty as opposed to the Sustained finding by the OPA Director. Per SMC 3.28.812, an explanation will need to be filed with the Mayor and City Council by the Interim Chief of Police regarding the disagreement with the OPA Director’s finding. The evidence showed that named employee #2 was the primary officer for this incident and should have activated his In-Car Video and was also responsible on how the incident was handled and reported. The evidence showed that a Training Referral will assist employee #1 for a supervisor to review this incident with him and to counsel him on steps he could have taken to assist in answering the complainant’s concerns from the outset. The allegation of Professionalism-Courtesy could neither be proved nor disproved by preponderance of the evidence for both named employees.</p> <p>Corrective action for named employee #2: 20-day suspension without pay; 10-days will be held in abeyance to two years; if there are future sustained allegations regarding the same or similar misconduct, the 10 days held in abeyance will be imposed in addition to whatever discipline is received for the future misconduct; Disciplinary transfer.</p>



Seattle Police Department – Office of Professional Accountability

Case Summary	Case Finding
<p>An anonymous complainant alleged that the named employee sexually assaulted her in her room at a women's shelter.</p>	<p>Allegation and Finding: 1. Violation of Law (Sexual Assault)— Unfounded</p> <p>The evidence showed that the allegation did not occur as reported.</p>
<p>The complainant, who was stopped and detained as a possible robbery suspect, alleges that named officers used unnecessary force on him, dropped his cell phone exposing the battery, and called him disparaging names during this contact.</p>	<p>Allegation and Finding: 4 named employees, same allegation, same finding: 1. Unnecessary Use of Force—Lawful & Proper 1 named employee 2. Mishandling Property/Evidence— Unfounded 1 named employee 3. Professionalism-Courtesy—Lawful & Proper 1 named employee 4. Professionalism-Courtesy—Unfounded</p> <p>The evidence showed that the force used on complainant was reasonable, necessary and screened by a supervisor at the scene. The evidence also showed that one named employee picked up and replaced the backing of the cell and made sure the phone still worked. The evidence showed that one named employee made a statement regarding the complainant's criminal history that was true and not meant to degrade the complainant.</p>
<p>The complainant, a victim of a car prowling, alleged that the named employee lacked sympathy and inappropriately commented on the complainant's foolishness for having left items of value inside of his car. OPA added an allegation that the named employee failed to use In-Car Video.</p>	<p>Allegation and Finding: 1. Professionalism-Courtesy—Inconclusive 2. In-Car Video/Policy—Sustained</p> <p>The allegation of courtesy could neither be proved nor disproved by a preponderance of the evidence. The evidence showed that the named employee failed to use In-Car Video when making the citizen contact, per Department policy. Further, In-Car Video likely would have resolved the allegation concerning Professionalism.</p> <p>Corrective action: 1-day suspension without pay</p>



Case Summary	Case Finding
<p>The complainant, who was asked to leave a business establishment by a security guard, alleged that the named employee, while working off-duty, was biased based on complainant's race, used unnecessary force during his arrest, and failed to return a prescription. OPA added an allegation that the named employee did not thoroughly document this incident in the General Offense Report.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper 2. Mishandling Property/Evidence—Lawful & Proper 3. Biased Policing—Unfounded 4. Failure to Thoroughly Document Incident—Training Referral <p>The evidence, including the business security video, showed that the named employee used minimal and necessary force to handcuff complainant. The allegation whether the prescription was mishandled could neither be proved nor disproved by a preponderance of the evidence. The evidence showed that the named employee did not use biased policing when making contact with the complainant. A Training Referral for not thoroughly documenting this incident in the General Offense Report will assist the supervisor of the named employee in reviewing reporting requirements with the officer and coaching him on the importance of thoroughly documenting all facts related to an incident completely and accurately.</p>
<p>The complainant, a Deputy Chief in another law enforcement agency, alleged that the named employee interfered with the other agency's police operation involving the arrest of the named employee's daughter. The complainant also alleged that the named employee rented a hotel room for the daughter with the knowledge that the daughter had outstanding warrants. Due to inconsistent statements made by named employee, OPA added an allegation of Honesty.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Violation of Law (Rendering Criminal Assistance)—Inconclusive 2. Integrity—Sustained 3. Professionalism-Policy—Sustained 4. Criminal Records/Policy—Sustained 5. Honesty—Inconclusive <p>The allegations of Violation of Law-Rendering Criminal Assistance and Honesty could neither be proved nor disproved by a preponderance of the evidence. The evidence showed that the named employee did assist the daughter in renting a hotel room with knowledge of her outstanding warrants. The evidence also showed that the named employee used a Department computer to run the daughter's name for warrants.</p> <p>Corrective action: 1-day suspension without pay; Written reprimand</p>



Case Summary	Case Finding
<p>The complainant, from the Royal Canadian Mounted Police, alleged that the named employee acted inappropriately while in Canada by identifying himself as a Seattle Police officer and made rude remarks including profanity. It also was alleged that the named employee flashed his badge to security personnel at an event to gain free access, and that the badge flashing and identification as a Seattle Police officer was for no legitimate purpose and occurred while under the influence of alcohol.</p>	<p>Allegation and Finding:</p> <ol style="list-style-type: none"> 1. Integrity-Misuse of Authority—Training Referral 2. Professionalism-Courtesy—Sustained 3. Professionalism-Profanity—Sustained 4. Wearing Recognizable Part of SPD Uniform/Consuming Intoxicating Beverages—Sustained <p>The Chief of Police found that a Training Referral for the Integrity allegation would benefit the named employee as opposed to the Sustained finding recommended by the OPA Director. Per SMC 3.28.812, an explanation will need to be filed with the Mayor and City Council by the Interim Chief of Police regarding the disagreement with the OPA Director’s finding. The preponderance of the evidence showed that the remaining listed allegations occurred as reported.</p> <p>Corrective action: 10-day suspension without pay; 6 month suspension from Honor Guard</p>
<p>The complainant alleged that the named employees used excessive force when taking him into custody</p>	<p>Allegation and Finding:</p> <p>Three named employees, same allegation, same finding</p> <ol style="list-style-type: none"> 1. Unnecessary Use of Force—Lawful & Proper <p>The evidence showed that the named employees used reasonable and necessary force in taking the complainant into custody.</p>

Definition of Findings:

“Inconclusive” (formerly Not Sustained) means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Lawful and Proper” (formerly Exonerated) means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Training Referral” (formerly 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.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.



Mediation Program

The OPA Director and Auditor selected eight (8) cases during April thru June to be resolved through the Mediation Program. Of the eight cases that were selected, one (1) complaint was resolved through the mediation process. Three (3) complainants declined to mediate and in one (1) case the complainant has not responded to OPA contacts. In two (2) complaints, OPA is in the process of scheduling mediation sessions.

Cases Opened -2012/2013 by Month Comparison

Date	Supervisor Action		Investigation		TOTAL	
	2012	2013	2012	2013	2012	2013
1/1-1/31	33	24	16	14	49	38
2/1-2/29	27	19	14	13	41	32
3/1-3/31	26	24	10	10	36	34
4/1-4/30	40	16	20	6	60	22
5/1-5/31	42	33	17	18	59	51
6/1-6/30	28	17	18	16	46	33
7/1-7/31	33		18		51	0
8/1-8/31	46		15		61	0
9/1-9/30	40		17		57	0
10/1-10/31	37		15		52	0
11/1-11/30	26		8		34	0
12/1-12/31	27		12		39	0
Totals	405	133	180	77	585	210

