

OFFICE OF PROFESSIONAL ACCOUNTABILITY REVIEW BOARD
2003 YE REPORT

April 30, 2004

EXECUTIVE SUMMARY

In its fourth report the OPA Review Board (OPARB) outlines its work during the second half of 2003, provides an in-depth analysis of closed cases reviewed by the Board, and makes recommendations for strengthening Seattle's system of police accountability. The report includes the following:

I. The State of Law Enforcement/Civilian Relations in Seattle: The Story Told by OPA's Closed Cases

We have reviewed every redacted, closed case provided from OPA, as well as its monthly commendations and complaints reports to the Mayor. Our analyses of misconduct cases are grouped around the following nine issue/topics, and include twelve specific policy recommendations.

Issues

1. Use of Force Cases: Excessive or Unnecessary Force; Use of Force Statements; "Less Lethal" Force Options
2. Investigating Complainants' Criminal Histories
3. Level of Investigation
4. The Problem of Leading Questions
5. Civilian's Word vs. Police Officer's Word: Who gets the benefit of the doubt?
6. Civilian Intake
7. The Chief's Authority
8. OPARB Should Have Access to Unredacted Files
9. Redacted Files Are Public Records

Recommendations

1. OPARB encourages the public to review OPA's monthly commendations/complaints reports on the City's website.
2. OPARB recommends that SPD policy with respect to Use of Force Statements be applied uniformly, even when reasonable and necessary force is used.
3. OPARB recommends that OPA reexamine its Findings definitions, reserving the "Unfounded" finding for truly baseless complaints, shifting others as appropriate to "Not Sustained", and perhaps adding a separate finding for closer claims which are

neither proved nor disproved by the evidence.

4. OPARB recommends that SPD Taser policy be refined to provide more detailed guidance and training delimiting officer discretion in light of growing Taser experience.
5. OPARB recommends that OPA eliminate criminal record searches as a routine part of investigations.
6. OPARB requests that every closed case it reviews include the ultimate disciplinary disposition together with any input from the Auditor.
7. OPARB recommends that leading questions be prohibited in OPA interviews.
8. OPARB recommends that OPA develop written guidelines within its overall revised policy and procedures manual for resolving police officer vs. civilian complainant credibility issues.
9. OPARB recommends that OPA provide civilian intake personnel to assist complainants with the framing of misconduct complaints.
10. OPARB should have access to unredacted, closed OPA files.
11. OPARB recommends that the Chief of Police state his reasons in writing for overruling any proposed OPA finding or disposition.
12. OPARB recommends that OPA's closed case files, redacted to safeguard police officer identities, be reaffirmed as Public Records, along with OPARB's ability to issue meaningful reports without fear of legal liability or censorship.

II. Year-End Assessment

This section summarizes our OPA oversight and community outreach efforts. We have been active locally: meeting with OPA staff, including the Director and Auditor, with law enforcement personnel, and with various city officials. We have met with numerous community groups, and attended the 9th Annual Conference of the National Association for Civilian Oversight of Law Enforcement in Los Angeles. We have begun an academic literature review regarding the use of force.

The Board finds considerable *strengths* at OPA under Director Sam Pailca, including investigations that are generally systematic and thorough; in the foregoing twelve specific recommendations, we also note *areas for improvement*. With respect to the Board, we will continue efforts to reach out to community groups as well as law enforcement personnel, and intend to conduct an annual public forum, addressing topics such as the policing of mass events.

III. Epilogue: Police Accountability in the Years Ahead

- All entities involved in collective bargaining must strive to ever greater transparency in police accountability issues.
- The City should consider implementing an appellate forum for OPA decisions. If OPARB is entrusted with this function, a corresponding expansion of the Board's size and powers would probably be necessary.

- We urge further efforts toward better executive-legislative branch cooperation in support of the entire OPA system, in order to better bring about greater police accountability in Seattle.