



INDEPENDENT REVIEW OF SEATTLE
OFFICE OF INSPECTOR GENERAL:
PEER PERFORMANCE AND SYSTEMS
REVIEW

June 2022



OIR

GROUP

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Introduction

Seattle's Office of Inspector General (OIG) was established by City Ordinance in 2017, as one piece of a multi-faceted community-led oversight system for the Seattle Police Department (SPD). The Office formally opened in May 2018, with three main divisions or categories of work: auditing and systemic review of SPD; reviewing and conducting complaint investigations; and working to improve policies and practices. Two other parts of Seattle's system – the Community Police Commission (CPC) and Office of Police Accountability (OPA) – are intended to work with OIG to deliver a level of police accountability that will ensure objective, timely, and thorough investigations into allegations of misconduct and also meet the demands of the federal court-monitored reform process for the City and Police Department. This three-part system expanded upon a long history of civilian oversight in Seattle that began in 1992 with the appointment of an auditor to independently review Police Department investigations. In 2002, Seattle was one of the first jurisdictions in the country to hire a civilian to oversee its internal investigations functions with the creation of OPA. The OIG took on the responsibilities of the former auditors of ensuring that internal investigations were thorough, objective and timely, with expanded authority to conduct audits and address systemic issues involving policing in Seattle.

Just two years after the OIG began its work – when the murder of George Floyd prompted a series of demonstrations nationwide unprecedented in their size, duration, and intensity – the Office was struggling through growing pains not entirely unusual or unexpected for a new entity still learning how to best allocate and manage its staff to meet the demands of a detailed charging ordinance and an engaged public. The flood of complaints emanating from the protests alleging excessive and inappropriate force by SPD, coupled with a reinvigorated plea for police oversight and accountability, strained and stretched the Office. The stress and uncertainties surrounding the early days of the COVID-19 pandemic may have further exacerbated existing tensions and resentments. A departed employee raised concerns about the way in which the OIG conducted its work.

Even before those allegations surfaced publicly, the OIG had reached out to another oversight entity, OIR Group,¹ to conduct an examination of concerns about the work performance of some current and former individuals who had been assigned to the investigative auditing function of the Office. This report is intended to address both OIG's internally raised concerns and those of its former employee, but in the context of an overarching view of the broader functions and protocols of the OIG. This broader lens is intended to provide insight into how the larger workings of the Office resulted in such internal discord that it grew into a public controversy, questioning the efficacy of the OIG. We also address the work of the Office – its mission, structure, legal mandates, and efforts to achieve the appropriate balance in its approach to its relationship with OPA.

Our review included meetings and interviews with current and former OIG² and OPA personnel, as well as others who played a role in shaping the current structure of the Office. We appreciate the time each spent with us; without their generosity and candor, we could not have completed this project. We also reviewed a number of OPA investigations and the audit logs associated with each to assess the timing, scope, and thoroughness of OIG's reviews and certifications. Our core observations and findings include:

- Some of the troubles within OIG, and with the Investigations team in particular, were a not-surprising result of a number of factors outside OIG's control, including the natural growing pains associated with being a new entity trying to establish itself within a large city government structure. Hiring issues and general management concerns were layered on the expectation that the Office immediately begin doing substantive work in a demanding, highly monitored environment with hard deadlines for completing the investigative auditing work.
- The stress of the 2020 protests and the huge influx of complaints about SPD's response, coupled with COVID-19 restrictions and uncertainties, exacerbated conflicts within the Office that OIG leadership did not sufficiently address.

¹ OIR Group has been working in the field of independent oversight of law enforcement for two decades. It is led by Michael Gennaco, a former federal prosecutor and a nationally recognized leader in the oversight field. OIR Group has provided a range of auditing, monitoring, and investigative services for jurisdictions throughout California and in several other states. It specializes in evaluating and seeking to strengthen law enforcement policies, practices, and accountability measures. Its website is www.oirgroup.com.

² Unfortunately, the former OIG employee who went public with her allegations declined to speak with us.

- Insufficient guidance and a resulting lack of consistency in how members of the OIG Investigations team approached their work fueled resentments within the team and led to a frustrating disconnect in the relationship between OIG and OPA.
- OIG senior-level leadership responded insufficiently and ineffectively when concerns about an OIG employee’s performance were raised internally.
- To his credit, the OIG employee took some responsibility for insufficient diligence in reviewing case materials when evaluating the work of OPA.
- OIG’s limited staffing levels provided no optimal options for how to respond to internally identified concerns about the work efficacy of one OIG employee, but the option chosen (at two separate times) to allow a suspect employee to keep working on investigations review was misguided.
- OIG should regularly check in with its Investigations team to ensure that all share a common understanding of expectations regarding its investigative review function and should document those expectations in writing.
- OIG should regularly conduct self-initiated “spot audits” of its Investigations team to ensure that all members are meeting expectations.
- OIG could and should assume additional responsibilities surrounding classification decisions and disciplinary outcomes to create a more holistic overall system of oversight.
- Increased staffing levels and some restructuring of the office have the Office better-positioned to serve as the type of model oversight entity Seattle envisioned when it was created.

OIG's Roles and Statutory Authority

Seattle's Police Accountability Ordinance created the Office of Inspector General as part of a robust system of police oversight. The Ordinance laid out detailed roles and expectations for each entity within that system, with a level of specificity intended to institutionalize standards so that the system could withstand challenges and weather personnel and leadership changes.

The role envisioned for OIG, ultimately, is to ensure that the reforms agreed to through Seattle's Consent Decree with the federal government³ will continue to remain robust even after the federal supervision has ended. The Ordinance established three basic functions for OIG that have become work groups within the Office:

- **Auditing.** OIG conducts various types of performance audits and reviews of SPD and OPA systems and processes. OIG has the freedom and flexibility to select topics for audits, based on its identification of potential problems and assessment of the impact of a given issue. For example, the Office audited SPD's Canine Unit after noting issues with policy interpretation and deployment criteria. And it reviewed SPD crowd management policies in response to a request from City Council.
- **Policy.** OIG's Policy team takes on a wide variety of projects and special reports, from analyzing OPA trends and outcomes to large-scale tasks like the Sentinel Event Review process examining SPD's handling of the 2020 demonstrations. The Policy group also handles OIG's mandated task of regularly analyzing patterns and trends in claims and lawsuits against SPD.
- **Strategic Leadership.** Though not a formal team within the Office, OIG leadership regularly collaborates with City leaders and community stakeholders on policing issues, including sustainability plans for reforms implemented under the Consent Decree. The IG also responds to the scene of officer-involved shootings and other significant uses of force and attends meetings of the Force Review Board.

³ In 2012, the City of Seattle and the United States Department of Justice entered into a settlement agreement, or "Consent Decree" that requires Seattle to implement reforms "with the goal of ensuring that police services are delivered to the people of Seattle in a manner that full complies with the Constitution and laws of the United States, effectively ensures public trust and officer safety, and promotes public confidence..." Compliance with the Consent Decree is overseen by a federal judge and a Court-appointed Monitor.

- **Investigations.** The Investigations team reviews the investigations completed by OPA, and periodically reviews how complaints are classified at the outset. It provides feedback to investigators and may request additional work be done on a case before deciding whether to certify the investigation as thorough, objective, and timely. The team also conducts complaint investigations in cases where OPA has a conflict.

Because the allegations that prompted our review stem from the review work of the Investigations team, we focused our evaluation and assessment on that aspect of OIG operations.

The bulk of the work performed by the Investigations team is the review and certification of OPA investigations. The Police Accountability Ordinance outlines criteria for certifying cases relating to the collection of evidence, interviews, written reports, and compliance with the OPA Manual. If the OIG reviewer determines that an investigation is incomplete or otherwise does not meet standards, he or she can formally direct additional investigation. OIG reviewers also can work informally with OPA investigators to address questions or concerns. If deficiencies in a case cannot be resolved, OIG may issue a partial certification or decline to certify. In the end, though, OIG has historically certified nearly all OPA investigations (96-97%). We address some of the particular challenges surrounding investigation review and the relationship between OIG and OPA below.

We noted two tasks crucial to effective oversight of an accountability system that OIG currently does not assume on a regular or sustained basis. First, the Investigations team does not review or approve most of OPA's intake decisions before they become final. When OPA receives a complaint, it classifies it in one of several ways:⁴

- **Investigation.** Serious allegations of misconduct that, if true, would be a violation of law or SPD policy are fully investigated by OPA.
- **Expedited Investigation.** When a complaint alleges serious misconduct, but preliminary investigation and readily available evidence (for example, video from an officers' body-worn camera) shows the allegation cannot be true, OPA may close the case with this designation.

Both completed investigations and those classified as "expedited" are routed to OIG for review and certification. If OIG disagrees with the designation, it can send the case

⁴ There are two alternative dispute resolution options for case disposition: mediation and rapid adjudication, where an employee acknowledges a violation of policy and is willing to accept discipline without the need to do a full investigation. OIG reviews and approves these cases prior to final disposition.

back to OPA for full review. Two other possible dispositions also do not involve full investigations:

- Contact log. If a complaint does not allege possible misconduct against an SPD employee or there is insufficient information to proceed with an investigation, OPA assigns a number, but closes the case with a contact log entry.
- Supervisor Action. If a complaint involves a minor policy violation or a performance issue best addressed through training or counseling, OPA refers it to the employee's chain of command for remedial action.

A sampling of these cases is reviewed retroactively, on a quarterly or monthly basis, with OIG weighing in after-the-fact on whether it concurs with OPA's decision-making. The only possible result of this review is prospective, with a recommendation that OPA handle similar cases differently in the future. Without a real-time review, there is no mechanism for correcting unacceptable outcomes. This is less than ideal. Indeed, when it first began operations, the Office reviewed Contact Log and Supervisor Action designations individually, and switched to quarterly audits as a function of staffing and workload concerns, coupled with the Office's general finding that OPA was appropriately classifying cases. It was an informed and reasonable decision at the time, but should be revisited.

The possibility that complaints about SPD misconduct would be inappropriately or inconsistently resolved without meaningful OIG review or intervention undermines the goal of holistic oversight of the accountability system. And, with Supervisor Action cases, OIG's random audits do not involve verification that supervisors followed through with appropriate remedial action. To ensure that each step of the complaint resolution process is thorough, objective, and meets public expectations, we encourage OIG to resume individual, real-time review of these classification decisions as staffing levels permit.

RECOMMENDATION 1: To ensure that classification standards are being applied objectively and consistently, OIG should review in real time complaints that OPA classifies for resolution as Contact Log or Supervisor Action prior to disposition of these cases, and should return to OPA for investigation any cases it determines to have been mis-classified.

A second gap in OIG's scope of review relates to what happens *after* an investigation has been certified. Currently, the OPA Director makes recommended findings and forwards the case to the subject employee's chain of command, where the Chief of Police ultimately is responsible for disciplinary decisions. OIG's scope is limited to the investigative process – whether an investigation was timely, thorough, and objective –

with no input on findings or disciplinary outcomes. We see this as a gap in Seattle's oversight system.

SPD's model – appropriately, in our view – leaves the ultimate authority for issuing discipline in the hands of the Chief. But as the OPA Director has the opportunity to make recommendations about a case outcome, so too should the OIG be able to weigh in on appropriate disposition. The way in which OPA ensures timely, objective, and thorough investigations is a substantial part of that system, but it's just one step in an overall process of accountability. Objective and thorough investigations that nonetheless result in a disposition that is not evidence based or a disciplinary decision that insufficiently addresses the transgression undermines public confidence in the integrity of the complaint system. Moreover, involving the OIG in this process and requiring regular reporting on what it is finding would result in a level of transparency regarding this aspect of SPD's accountability system that currently does not exist.

OIG's November 30, 2021 "Audit of Disciplinary System for SPD Sworn Personnel" noted that current processes and practices have created gaps in the disciplinary system that impact the timeliness, fairness, consistency, and transparency of discipline for individual officers while also diminishing transparency and fairness for community members. The audit report also found a tendency by SPD chiefs to impose lower levels of discipline within a proposed range, particularly when the range included termination. OIG should build on these important audit findings and work with City leaders to request either an amended Ordinance or duty statement that would expand its role to include a review of OPA determinations and recommendations, ideally with the opportunity to weigh in on those findings before the case is resolved.

RECOMMENDATION 2: OIG should work with City leaders to expand OIG's role to include the authority to review OPA determinations and either agree or disagree with those findings before they are sent to SPD for resolution.

Investigations Team: Staffing and Personnel Issues

When OIG first began operations in 2018, the Office had eight members – the Inspector General, Deputy Inspector General, one administrative staff member, and five others to work its three divisions. Leadership assigned two members each to Auditing and Policy and staffed its Investigations team with just one Investigator/Auditor. At the time, this seemed like the proper allocation of resources, since a single OPA Auditor had been responsible for reviewing all investigations under Seattle’s prior system of civilian oversight. Everyone we spoke with for this review now acknowledges it was not reasonable to expect one person to review all OPA cases, particularly with the tight deadlines written into the Ordinance.⁵

Underestimating the demands of the OPA investigations review and certification work was a misstep in the setup and initial operation of the Office. This was remedied to some extent as the Office added one staff member to the Investigations team, but for all of 2020 and half of 2021, the team never had more than two people working on OPA certifications. As the Office dealt with the crush of complaints emanating from the 2020 protests, this was woefully deficient. The understaffing resulted in employee stress and burnout, and in some cases, potential corner-cutting to keep up with the demands of very tightly scheduled deadlines.⁶ Moreover, there was insufficient discussion between the Investigations team and OIG senior management to determine a consistent response to the unrealistic demands. This environment created internal resentment, exacerbated existing conflict within the Investigations team, and left the reviewers to determine on their own how to navigate an overwhelming case load.

⁵ One phenomenon that has significantly increased the workload of both OPA investigators and OIG reviewers is the increased usage of body worn cameras and the sometimes hours of footage there is to review.

⁶ After OPA routes a case to OIG, OIG investigators have 10 calendar days to complete their review, and only five days if the case is classified “expedited.” If OIG does not meet the deadline or receive an extension, the OPA Director may self-certify the case and proceed to making findings. Because OPA was dealing with large numbers of cases stemming from the demonstrations, it often sent a number of cases to OIG at once, all with the same deadline. Because the deadlines are calculated by “calendar days” rather than “working days,” one former OIG investigations staff reported consistently working nights and weekends to try to get through the caseload.

Standards and Expectations

Until recently, OIG did not have an internally generated checklist laying out specific steps or guidelines for reviewing and certifying investigations. That is not to say the team was operating without any written guidance. The ordinance lays out criteria for reviewing cases,⁷ and the OPA Manual provides direction about what should be considered a thorough investigation. There is a creditable argument that this guidance – coupled with the experience personnel bring to the job – should be sufficient. And we learned at least one member of the Investigations team resisted an effort to have internal checklists to guide their work, arguing that each case is unique and requires a level of judgment not easily reduced to a checklist.

Nonetheless, the lack of clearly defined internal guidelines in the form of a checklist or office-wide training laying out specifically what OPA materials needed to be reviewed led to different members of the Investigations team employing different approaches to and standards for reviewing cases. Some believed it was critical to examine every detail within a case file, while some looked only for blatant gaps in information that might signal an incomplete investigation.

The differences in approach to case review may have also contributed to inconsistent performance among those assigned to the investigation audit function. We learned from our interviews that some former OIG personnel had a mindset more skeptical or distrustful of SPD and, by extension, OPA. They approached investigations with the assumption they would find problems, and energetically looked to uncover them. A different member of the Investigations team – whose work came to be questioned – approached with the expectation that OPA’s investigation was thorough and objective and was less inclined to go digging for mistakes and applied a different lens to the review, instead questioning whether OPA had done enough to prove or disprove an allegation. This latter strategy requires fewer hours of work, and the disparity in approach and effort eventually created resentment and questions about whether all were pulling their own weight.

Another structural defect within OIG’s initial organization is that there wasn’t an individual in a supervisory position that had the time, capacity, and experience to

⁷ The Ordinance directs OIG to consider: “(a) whether witnesses were contacted, interviewed, and whether all other material evidence was timely collected; (b) whether interviews were thorough and unbiased and conflicting testimony was sufficiently addressed; (c) whether additional clarifying information would strengthen the investigation; (d) whether the written summary and analysis are objective and accurately summarize the evidence; and (e) whether applicable OPA procedures were followed and the intake and investigation were conducted in accordance with the OPA Manual.” Ord. 125315, §3.29.260.F.

provide guidance to the Investigations team. Currently, the OIG has a supervisor who does have that capacity and can provide guidance and consistency at a more fundamental level.

While a more defined set of “rules” for reviewing investigations may not have mitigated the differences in personality and orientation, it would have given management better tools to address them. The Ordinance’s criteria, coupled with the experience we would expect to see in a qualified investigator, provided enough guidance in our view to effectively review cases and avoid the types of obvious shortcomings we saw in our review. Nonetheless, more could have been done to ensure that reviewers had a clear understanding of what they were expected to review to make a fully-informed “certification” decision. We understand that this shortcoming has been remedied, and the team (OIG employees all newly-hired in 2021) now operates with a clearer understanding of the expectations for what their investigation reviews should encompass.

RECOMMENDATION 3: OIG leadership should regularly meet with the Investigations team to ensure that all continue to understand the Office’s expectations regarding what information must be reviewed in order to make informed certification determinations.

Communicating with OPA

As with the differing approaches to case review, OIG investigators interacted with OPA in a way that was consistent with their diverse approaches to the work. Some saw the relationship with OPA as more adversarial and tended to be more confrontational about perceived “deficiencies” in investigations. And some had a tendency to resolve things informally and more congenially, starting from the place that any “deficiencies” were more likely the product of distinct viewpoints than errors or intentional omissions.

We heard from current and former OPA staff that the lack of a consistent approach to oversight was a source of frustration. OPA investigators were never sure how they would be evaluated since the standards varied across OIG auditors/investigators. And, according to those at OPA we spoke with, certain auditors had an acrimonious approach to the work, making difficult or impossible the type of discussion and collaboration needed to reach a shared goal of complete, thorough investigations. At the same time, OPA leadership expressed appreciation for the positive impact of OIG’s meticulous review of investigations and acknowledged that OIG reviewers often caught things OPA investigators missed. Nonetheless, there are some ways better than others to communicate these results. A more inquisitive than confrontational approach, where

a conversation begins with a question rather than an accusation, tends to lead to the type of shared understanding that fosters growth and improvement for both entities.

As we discuss fully below, constructive dialogue with OPA is critical to the health and success of both the OIG and OPA. Finding the right balance between confrontation and appeasement is not always easy, but it is essential. By all accounts, OIG's current staff lineup has stabilized the relationship in a positive way, maintaining the type of healthy tension that leads to the best investigative outcomes.

RECOMMENDATION 4: OIG should include effective strategies for communicating with OPA as a critical component of initial training and “onboarding” of new employees to the Investigations team.

Managing the Conflict

As the workload at OIG soared in the summer of 2020, the fissure within the Investigations team grew. Emotions surrounding the murder of George Floyd, the weeks of protest in Seattle, and pandemic stress and anxiety no doubt played a role, but it seems mainly to have been fueled by burnout associated with the unrelenting pace of cases and resentment over the sense that the burden was not being shared equally.

Conflict, stress, and burnout within the office and the ongoing and sometimes fractious relationship with OPA created two related challenges for OIG's leadership. Within the office, tension among the Investigations team was palpable, with members hardly speaking to each other and accusations about one member's work ethic and integrity being raised with management. OIG senior management also heard complaints from OPA, on the one hand, that certain OIG members were condescending and pejorative, and from OIG staff, on the other hand, that OPA investigators were stubborn and constantly pushed back against any suggestions for further investigation. Against this backdrop, management also was aware that some personnel were working very long hours, to the point of exhaustion and burnout, to keep up with the caseload.

Managing a staff of individuals can be difficult, even in the most ideal circumstances. COVID-related restrictions on in-person meetings added an extra layer of difficulty, as did the emotional stress of the George Floyd murder and subsequent intense focus on police accountability. The personalities of those in the Office at the time proved a further challenge, as did the fact that the office was newly launched and still working out its protocols and developing relationships with other City entities and stakeholders.

OIG senior management was not oblivious to the conflicts and workload concerns. Former personnel reported that they consistently asked for help but got no assistance. On the flip side, we heard from management that they suggested ways to alleviate the workload, including scaling back on the practice of reviewing all cases (a solution that would be permitted by the Ordinance) or moving certain people into Investigations, but their suggestions generally were rebuffed for one reason or another.

Senior management also was aware of ongoing disputes with OPA over investigative work and the tone of intra-office communications. We heard from former personnel that OIG leadership too often sided with OPA in these disputes, while management reported that they always defended their personnel's decision making on substantive issues, while also trying to counsel them on better ways to communicate with OPA.

A similar disconnect existed with respect to some of the internal conflict. When former Investigations personnel raised concerns about the quality of work being done by another member, they accused leadership of doing little to address the problem. But leadership reported that personnel expressly asked them not to take direct action and that, given this, they did as much as they could to alleviate the problems.

What is clear to us from all these interactions is that OIG leadership paid insufficient attention to important personnel management concerns. The conflict both inside and outside the office demanded direct intervention, not the type of deference to personnel that we heard offered as explanation for inaction. In our view, the various conflicts and workload concerns required honest communication about the source of the problems and how to fix them. Instead, disputes and resentments festered and ultimately boiled over in ways that were hugely detrimental to the Office's mission.

Given what we've learned about current personnel, it seems these management issues are less likely to be a concern. There is a cohesiveness in the Office that did not exist two years ago. This itself is a product of lessons learned by leadership, who used the hiring process to assess temperament and attitude in a way they previously had not. And the size of the OIG Investigations team has significantly increased, minimizing the likelihood that workloads will again become so unmanageable.

Nonetheless, going forward, we encourage OIG leadership to be more attentive to the overall health and wellness of the Office, including stress and burnout, inter-office dynamics, as well as potential disputes with OPA.

RECOMMENDATION 5: OIG should strive to maintain adequate staffing levels to ensure its ability to meaningfully complete all required work.

RECOMMENDATION 6: If staffing levels and caseloads fluctuate for the Investigations team, OIG should thoughtfully reassess workloads and expectations to ensure essential work gets completed in a thorough and complete way, even if it means not doing certain tasks.

RECOMMENDATION 7: OIG should establish an employee wellness program to ensure employees have access to appropriate resources to care for their health and wellbeing, and supervisors should pay particular attention to employees' stress and workload concerns.

Concerns about Quality of Work

A particular area of concern for our review was the accusation that one member of the Investigations team was certifying cases without sufficiently reviewing OPA investigative materials. We reviewed the case tracking log on protest cases assigned to that individual and confirmed there were troubling patterns of very quick certifications following review of few documents or other pieces of evidence, including body-worn video. This was so even in cases where we would have expected to see the most meticulous level of review, including complaints about unnecessary use of force, complex cases with substantial amounts of evidence, allegations made about supervisory conduct, and a high-profile case that generated significant media coverage.

Another team member first identified a potential problem with this individual's work and raised the accusation with OIG leadership as early as August 2020. OIG leadership reported that the team member who raised the claim did not provide specific details about alleged deficiencies and did not want adverse action taken. The individual whose work was at issue was then given a different assignment within the Office, but no formal action was taken to investigate or address the allegations. Most significantly, there was no formal "course correction" with the identified employee to ensure that Office expectations would be met for any future case reviews.

In the spring of 2021, a different OIG employee reviewing cases for another project noticed that no one else at OIG had previously reviewed body-worn video in some cases, even though the cases had been certified. When OIG leadership was notified this time, they assigned a different individual to do a systematic audit of case review logs and discovered a broader problem. At that time, in July 2021, OIG decided to seek outside review and engaged OIR Group to complete this project.⁸

⁸ Unfortunately, the project got off to a very slow start, as our access to confidential SPD/OPA/OIG materials was held up by an overly difficult clearance process and subsequent technological difficulties

Despite these now twice identified concerns, the individual in question was returned to the Investigations team to review OPA cases in late summer 2021 when the office was left shorthanded due to a resignation and medical leave. As a stop gap measure, leadership was, at that time, performing quality control checks on the individual's work.

Our review did not include an examination of every case certified by the individual whose work was in question to make our own judgment about whether the investigation was thorough, objective, and timely. We can conclude, however, that the individual's work on the 34 protest cases reviewed was not sufficiently rigorous to be able to fairly make certification decisions. The audit log on these cases shows that officers' body-worn camera videos were not viewed, often only a small handful of documents were accessed, and some cases with lengthy investigative summaries, numerous subject and witness interviews, and sizable quantities of evidence were certified in as few as 10-15 minutes after the individual first accessed the case.

The individual acknowledged in a memo to OIG leadership that reviewing the available body-worn video in these cases would have been the proper course of action, but also asserted – both to OIG leadership in 2021 and to us during our current review – that they possess a level of experience to make it possible to review cases this succinctly and still fairly judge thoroughness and objectivity. We disagree. We can think of no circumstances where a complaint about an officer's use of force (or any misconduct allegation) could be resolved with such limited review. In addition to the investigative reports, meaningful review must include:

- Review of the officer's body-worn video (as well as the video from witness officers).⁹ The OPA investigative summary generally describes the content of body-worn video, but reliance on that description is clearly insufficient. One of the five criteria for review detailed in the Police Accountability Ordinance is "whether the written summary and analysis are objective and accurately summarize the evidence." That determination can't be made by reviewing the summary and analysis alone; reviewing the evidence is required.
- Listening to or reading a transcript of critical officers' interviews with OPA investigators. Reading the investigator's summary will not suffice. Another of the Ordinance's five enumerated criteria is "whether interviews were thorough and unbiased and conflicting testimony was sufficiently addressed."

with the mechanism for our receipt of information. OIG should consider working with its strategic partners to streamline this unduly burdensome process.

⁹ There should be some allowance for not reviewing video that is duplicative or captures non-relevant prior activity.

We have been advised that current members of the Investigations team understand these principles. The team is currently better staffed with three investigators and a supervisor who understands his role in ensuring diligence in review of OPA investigations. This level of staffing provides the ability to triage cases to ensure that the most complex and time-sensitive cases get handled appropriately. The staffing model also allows the supervisor to do quality assurance on all cases and be the main point of contact with OPA on difficult cases, providing a level of consistency necessary to a positive working relationship. Supervisors also should periodically review their team's audit logs to ensure they are reviewing all evidence necessary to determine whether OPA investigations are thorough and objective. These measures would seem like a luxury to the one or two people who handled the bulk of the protest-related investigations in 2020 and 2021, but they are critical to the OIG's oversight function.

RECOMMENDATION 8: OIG should ensure continued assignment of a supervisor to the Investigations team, with the understanding that this individual will do regular quality control checks on OPA investigations, as well as periodically review auditor/investigator's audit logs to ensure they are reviewing all necessary evidence prior to issuing certification memos.

RECOMMENDATION 9: OIG leadership should exercise continued diligence regarding the Office's standards for review of OPA investigations and other oversight functions and should support and maintain accountability measures for OIG personnel who fall short of these standards.

The Relationship Between the Oversight Entity and the Overseen: A Crucial Balance

As detailed above, the OIG's core charge relating to internal investigations is to evaluate the quality, timeliness, and objectivity of the investigations conducted by OPA. Because the relationship between these two entities is critical to the effectiveness of each, striking the appropriate balance between collegiality and critique is crucial. Ideally, the OIG should maintain a positive and productive working relationship with OPA personnel yet maintain the distance necessary to be objective reviewers of their work.

Published media reports have noted concern from at least one former employee that one member of senior management at the OIG was too close to OPA leadership and overly concerned about maintaining and protecting that relationship at the expense of OIG's overarching mission. During our review, that concern was echoed by another former employee.

We were advised by the OIG leader singled out that the allegations of being too "cozy" with OPA derived from longstanding prior relationship with the OPA Director. And from the perspective of management, that relationship allowed her to communicate directly and honestly with OPA, to the benefit of OIG's mission. There is no "correct" way to balance between collaboration and independence, and how that balance is achieved may vary depending on the personalities and prior experiences of those involved. Going forward, the OIG should be mindful of the need to continually consider how that balance is best achieved at all levels within the Office.

A related issue articulated by former OIG employees was their view that OIG senior management too often sided with OPA in disputes between the two entities. We have no way to quantify (or even verify) that allegation. Indeed, the OIG leader singled out vociferously denied its truth. Regardless, even the perception that management did not support employees suggests that more could have been done internally to address this dynamic. The OIG leader asserted to us that she regularly sided with her staff in disagreements with OPA, but this did not happen in a way that was transparent to those involved. Ideally, potential disputes between OIG and OPA should generate an internal discussion and collaboration on a strategy for responding to any concerns.

In our experience, maintaining healthy channels of communication between the oversight entity and the body that is overseen is critical to ensuring a level of productive collaboration. Correction and criticism exclusively through email is a blueprint for misunderstandings and defensiveness. Better that such issues (both those related to individual cases as well as larger systemic topics) be communicated more regularly through telephone calls, virtual platforms, and in-person meetings. The real time give-and-take can eliminate the too common phenomenon of misinterpretation and misimpressions that can accompany a hastily worded email.

We have learned that the diplomatic communication of critical information often is as important a skill for reviewers as the ability to generate the substantive critique itself. This does not mean the reviewer should overlook or compromise on investigative issues that are important or vital to the overarching mission of providing the decision-maker with an unvarnished, complete, and factual account. But fostering ways to communicate perceived deficiencies in investigations effectively is something that could benefit OIG as it provides feedback to OPA.

When OIG first began its work, it scheduled monthly meetings with OPA as a way to foster productive communications. During our review, we learned that these meetings grew less frequent in 2020 and eventually were canceled because tensions between the two agencies grew so high that the meetings became unproductive. This just furthered the cycle of contentiousness and lack of collaboration.

Fortunately, current OIG Investigations personnel have resurrected the practice of regularly meeting with OPA. Members of both entities with whom we spoke during this review seem to understand the extent to which collaboration is important to the effectiveness of each, and are working to build a constructive relationship based on productive engagement, honest communication about differences, and respect for each other's roles. To ensure this continues, we advocate formalizing the requirement of regular meetings, with planning and care taken by leadership of both agencies to ensure that they are productive. In addition, we recommend that at least annually, the OIG and OPA Director schedule a facilitated discussion among personnel from both entities to discuss appropriate roles and effective inter-agency work strategies.

RECOMMENDATION 10: OIG and OPA leadership should continue to work on striking the appropriate balance between collaboration and independence to ensure each entity is most effective in its respective role.

RECOMMENDATION 11: OIG leadership should ensure ongoing internal dialogue, training, and guidance on striking the appropriate balance between collegiality and critique in its OPA oversight function.

RECOMMENDATION 12: OIG and OPA should formalize the requirement of regular monthly meetings between personnel, with planning and care taken by leadership to ensure they remain productive.

RECOMMENDATION 13: OIG and OPA should hold facilitated discussions at least annually to discuss appropriate roles and effective inter-agency work strategies.

Recommendations

- 1: To ensure that classification standards are being applied objectively and consistently, OIG should review in real time complaints that OPA classifies for resolution as Contact Log or Supervisor Action prior to disposition of these cases, and should return to OPA for investigation any cases it determines to have been mis-classified.
- 2: OIG should work with City leaders to expand OIG's role to include the authority to review OPA determinations and either agree or disagree with those findings before they are sent to SPD for resolution.
- 3: OIG leadership should regularly meet with the Investigations team to ensure that all continue to understand the Office's expectations regarding what information must be reviewed in order to make informed certification determinations.
- 4: OIG should include effective strategies for communicating with OPA as a critical component of initial training and "onboarding" of new employees to the Investigations team.
- 5: OIG should strive to maintain adequate staffing levels to ensure its ability to meaningfully complete all required work.
- 6: If staffing levels and caseloads fluctuate for the Investigations team, OIG should thoughtfully reassess workloads and expectations to ensure essential work gets completed in a thorough and complete way, even if it means not doing certain tasks.
- 7: OIG should establish an employee wellness program to ensure employees have access to appropriate resources to care for their health and wellbeing, and supervisors should pay particular attention to employees' stress and workload concerns.

- 8: OIG should ensure continued assignment of a supervisor to the Investigations team, with the understanding that this individual will do regular quality control checks on OPA investigations, as well as periodically review auditor/investigator's audit logs to ensure they are reviewing all necessary evidence prior to issuing certification memos.
- 9: OIG leadership should exercise continued diligence regarding the Office's standards for review of OPA investigations and other oversight functions and should support and maintain accountability measures for OIG personnel who fall short of these standards.
- 10: OIG and OPA leadership should continue to work on striking the appropriate balance between collaboration and independence to ensure each entity is most effective in its respective role.
- 11: OIG leadership should ensure ongoing internal dialogue, training, and guidance on striking the appropriate balance between collegiality and critique in its OPA oversight function.
- 12: OIG and OPA should formalize the requirement of regular monthly meetings between personnel, with planning and care taken by leadership to ensure they remain productive.
- 13: OIG and OPA should hold facilitated discussions at least annually to discuss appropriate roles and effective inter-agency work strategies.