

S E A T T L E P O L I C E D E P A R T M E N T

*Office of
Professional
Accountability*



**OPA's Role in
Policy Review and
Risk Management at
SPD**

S A M P A I L C A
D I R E C T O R

EXECUTIVE SUMMARY

The Office of Professional Accountability devotes a significant portion of its work to review of police operations. A role on the Department's command staff and the review of each and every citizen complaint affords a unique vantage point from which to recommend clarification or strengthening of existing policies or the creation of new ones. In his 2005 book on "The New World of Police Accountability," renowned expert Samuel Walker discusses this function common to police oversight professionals:

This process, known as *policy review*, is potentially the most important function that any citizen oversight agency can perform because it is directed toward organizational reforms that will prevent future misconduct.

Sage Publications, page 140.

Chief Kerlikowske has been very receptive to OPA's devotion of resources to review and to recommendations advanced by OPA. Many substantive recommendations have been supported by the Department's command staff and implemented in the Department's policy manual, operational procedures, or in training. The Department's Mission reinforces a culture of openness to change by its commitment to Best Practices in Policing, Identify, Prioritize & Solve Problems, and Management & Organizational Efficiency and Effectiveness.

OPA performs its policy review function primarily through these four ways: (1) review of individual complaints and complaint trends and statistics; (2) participation in command staff development and review of policy; (3) Department's Risk Management Advisory Team; and (4) interaction with the Training Section.

These mechanisms frequently overlap, and of course, OPA is just one of many parts of the Department committed to critical analysis and continual improvement. This Report will discuss the role of OPA in the Department's management of risk and share achievements and progress in policy review made during this past reporting period via each of the above roles.

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THE OPA ROLE IN RISK MANAGEMENT AT SPD

Practitioners and students of civilian oversight have begun to emphasize the role of a solid complaint investigation function as an essential tool in reducing a police department's exposure to financial loss due to litigation.

Los Angeles County Sheriff's Department made a direct link between the two when it created the Office of Independent Review (OIR) in 2001 to monitor the LASD's Internal Affairs Bureau. Similarly, Merrick Bobb, who recently served as both Special Counsel to the Los Angeles Police Department and Director of the Police Assessment Resource Center, claims as a "fundamental tenet" his belief that the greater the degree of critical self-analysis, the lower the litigation exposure for the Department.

Recent consent decrees have required internal investigation of civil claims and lawsuits,¹ and the Cincinnati Police Department, mandated by a memorandum of understanding with the Department of Justice, dubbed its expanded early intervention system "the Risk Management System."

In recognizing a policy review function and command staff role for OPA from the outset, Seattle put itself ahead of the curve. It is in this area that housing OPA within, rather than outside, the police department, affords a distinct advantage. Proximity gives OPA the opportunity to directly contribute to management of the Department's exposure to financial loss due to litigation.

OPA contributes to a robust risk management strategy in several ways.

Reduction of citizen complaints and misconduct. The mere existence of a credible complaint investigation function reduces risk in two ways: by acting as a deterrent to misconduct in the first place, and by demonstrating that the Department is serious about its commitment to protect civil rights and move quickly to address misconduct.

In addition, a credible complaint investigation that exonerates an officer accused of wrongdoing assists the Department in defending itself against subsequent claims.

Moreover, as complaints are documented and investigated, and the records are analyzed and maintained, two things happen. Problematic behavior of individuals is identified and addressed, and insight into how to reduce or avoid complaints is accumulated and shared.

These features of a citizen complaint investigation will inevitably result in less exposure to risk.

¹ For example, Steubenville, Ohio Consent Decree (1997); Pittsburgh, Pennsylvania Consent Decree (1997); State of New Jersey Consent Decree (1999); Los Angeles, California Consent Decree (2001); Washington D.C. Memorandum of Agreement (2001); Buffalo, New York Memorandum of Agreement (2002).

Policy review and recommendation. As noted in previous reports, review of individual complaints is essentially a backward, rather than forward-looking function. Even discipline imposed for a particular incident may not have a far-reaching nor enduring impact. But policy review and recommendation is an oversight function that has real potential to achieve long-term improvements in policing.

As easily seen by review of the policy recommendations made by the OPA to date,² many are recommendations that would directly impact risk management for the Department. Some affect high frequency but small exposure areas of risk. For example, previous reports have included recommendations that would reduce the Department's exposure to claims of property loss or damage, such as the creation of a new form and procedures to better account for the personal property of arrestees.

Other examples of recommendations that have addressed high frequency but moderate- exposure incidents would include ensuring appropriate MDT transmissions, the identification of individuals as "suspects" in reports, and the verification of ID in vice arrests.

On the other hand, some policy recommendations speak to matters of lower frequency, but potentially high risk of exposure for the Department. For example, last year the OPA made recommendations ranging from response to requests for medical assistance from arrestees to addressing officer-involved domestic violence. This report includes recommendations made during the reporting period relating to juveniles doing ride-alongs in patrol cars and the involuntary detention of material witnesses.

Either way, the most important feature of the OPA policy review and recommendation function is that it is systematic. It is an OPA function recognized by ordinance, and occurs routinely as the OPA closes and certifies each and every complaint investigation.

Review and investigation of tort claims and lawsuits. The development of this role for OPA was a risk management tool in and of itself. Prior to the OPA, the Department's Internal Investigation Section did not review or investigate tort and civil rights claims for disciplinary action unless the complaining party also filed a citizen complaint. Even then, the internal review was often aborted at the request of outside counsel representing individual officers.

Broadly tasked to make recommendations to improve professional standards and the complaint gathering and investigative process, and informed by significant experience as an attorney representing governmental agencies in litigation, the OPA Director was persuaded that review of tort claims as potential allegations of misconduct had emerged as a best practice. The initial report of the OPA Director included a recommendation that lawsuits and claims filed with the City that include allegations of misconduct against SPD personnel be included in the oversight process.

² Policy recommendations made during the last reporting period are included in this report. For a complete listing of OPA policy recommendations, see previous OPA reports on the OPA website at <http://www.seattle.gov/mayor/issues/OPA.htm>.

In December 2002, Chief Kerlikowske approved a new policy putting this recommendation into effect. The Policy provides that the OPA Director is notified of all claims involving allegations of misconduct, and reviews them for forwarding to OPA-IS for screening, classification and appropriate investigation. In addition, the OPA Director is to review annually the risk management report of all claim activity involving alleged misconduct by SPD personnel (other than traffic incidents and routine property damage).

The facts underscore the importance of reviewing and analyzing the data from claims and lawsuits. Of police action claims settled by the City of Seattle between 1999 and 2003, 67% named an individual officer. Of these, 36% have a current complaint history with OPA-IS. Analysis from a neighboring jurisdiction suggests that tort claims of misconduct tend to be more serious than the typical citizen complaint, with roughly 50% alleging excessive force.³

At this time it cannot be determined if the correlation is significant. Moreover, settlements alone do not provide evidence of problematic performance on the part of individual officers. The information simply highlights the need to review allegations in tort claims to identify any deficiencies in training, defects in policy, or the need to impose discipline.

Data from claims and lawsuits is relevant not just to the review of individual officer performance, but also to the thorough review of major events. Objective, thorough assessments and after-action reports should include reference and discussion of any significant litigation that occurred in the wake of the event.

This type of review is not important because it is assumed the claims have merit; rather, the review is an integral part of (1) post-incident review and (2) an accurate account of the costs to the City associated with these events.

Participation on Command Staff. From the beginning, the OPA Director has served as a member of the Department's command staff. Composed of deputy and assistant chiefs representing each bureau of the Department, the command staff meets regularly to review and report on Departmental functions and issues, to take direction from the Chief, and to discuss policy direction for the Department.

If there is a strong nexus between the issue at hand and accountability, the OPA may initiate, participate, and/or take the lead on the development or revision of policy. As there is significant overlap between employee and accountability issues, OPA frequently partners with the Field Support Bureau, which includes the Human Resources Section. OPA also works closely on operational issues with the Patrol Operations bureau. On other issues not directly impacting accountability issues, OPA may simply review and offer input.

During this past reporting period, OPA has had a prominent role in the development or revision of several significant policies within the Department: secondary employment; standards of conduct; and drug testing. In each area, the OPA was just one of the units within the Department that recognized a need for improvement, and was pleased to work with other units within the Department toward an important goal. A summary of this work follows.

³ See September 2004 Report of the Independent Police Review Division, City of Portland.

Secondary Employment. In the area of secondary employment, the OPA had made several policy recommendations touching on various aspects of the Department's policy: clarification of prohibited employment; procedures for approval of off-duty permits by supervisors; the coordination and provision of security at RAVEs; use of on-duty time to conduct investigations on behalf of off-duty employers; and review of off-duty employment in connection with the Department's due diligence, performance evaluation, and early intervention programs.

OPA also conducted a review of all nightclub-related complaints, and reviewed the complaint history of officers working at downtown clubs.

At the same time, Chief Kerlikowske had directed a comprehensive review of the Department's secondary employment policies as part of the Department's strategic plan.

OPA worked with the command staff, the Patrol Operations bureau, precinct commanders, the Department's Legal Advisor, and Human Resources. This joint effort culminated in: (1) a comprehensive review of all existing secondary permits; (2) revisions to the manual section governing secondary employment; (3) a revised employee application for secondary work permit form; (4) a directive from the Chief clarifying policy and directing that all employees submit new applications for any secondary employment after January 31, 2005; (5) the dissemination of best practices tips for employees working secondary employment; and (6) the development of new policies governing secondary employment for business associations.

Together, these changes have significantly strengthened the management and accountability of secondary employment within the City. The manual section governing secondary employment can be found at Section 1.289, available for review at the OPA website. In addition, the policies governing business association policies and applications for authorization can be viewed at the Department's website, http://www.seattle.gov/police/Programs/Business_Associations/DEFAULT.HTM.

Standards of Conduct. Chief Kerlikowske wanted to revise the previous manual section on employee rules of conduct to better reflect his philosophy and expectations. The Deputy Chief of Patrol Operations was interested in responding to concerns about an over-reliance on a somewhat outdated definition of the "catchall" allegation of conduct unbecoming an officer. The Deputy Chief of Administration in charge of the CALEA accreditation process identified areas where the existing policy should be modified to meet certain expectations of the accreditation agency. Meanwhile, the OPA had identified several instances where the existing section on standards of conduct was incomplete or inflexible in responding to allegations of misconduct.

OPA participated in the creation of an entirely new Standards of Conduct section for the Department's manual. The new section was revamped to include a more positive, less punitive statement of the high ethical standards to which employees of the police department are held. In addition, the section incorporated the Department's mission statement, and set forth clearer rules in the fundamental areas of honesty, integrity, and professionalism. The section filled in previously identified gaps by including new policies in such areas as employee associations, the purchase of firearms from citizens, and the exercise of judgment and discretion.

The newly revised Standards of Conduct will be published shortly and, as with the entire manual, will be available for review on the OPA website.⁴

Drug Testing. OPA occasionally receives complaints alleging illegal drug use by SPD employees. OPA sought clarification of the Department's standard and procedures governing drug testing of employees. Chief Kerlikowske asked Human Resources to provide the requested direction to OPA, and to update its existing policies on the Department's overall response to reasonable suspicion of impairment by drugs or alcohol, or reasonable suspicion of illegal drug use.

OPA reviewed and provided significant input into the clarification of existing policies, the creation of a new testing protocol, and a decision flowchart for establishing reasonable suspicion. The resulting guidelines provide clear direction to not only to the OPA Investigation Section, but also to managers throughout the Department.

The above examples demonstrate that OPA does not operate as a separate silo with a narrow focus. Instead, with the support of Chief Kerlikowske and the command staff, OPA has become a resource – and sometimes a catalyst – for organizational change within the Department.

Risk Management Advisory Team. The OPA's September 2003 Report included a discussion of a Special Policy Recommendation on Risk Management initiated by the OPA. With direction from Chief Kerlikowske, the OPA researched and provided recommendations for the creation of a department-wide risk management team to review and evaluate the full range of risk management issues faced by law enforcement agencies.

Consistent with the best practices of other agencies, the Chief created a high-level, cross-organizational team authorized to recommend and make prompt adjustments to operations, training, policies, and procedures. A comprehensive risk management team can improve officer safety and police-community relations, and reduce liability.

The team's primary function and responsibility is to systematically review trends in all relevant categories, such as lawsuits, citizen complaints, criminal investigations, EEO investigations and issues, use of force, accidents, on-duty injuries, overtime and off-duty work, citation and arrest data, etc. Staff to the team coordinates management reports as a method to spot and solve possible problems, and to identify both favorable and unfavorable trends in a timely manner.

During the previous reporting period the Risk Management Advisory Team (RMAT) focused its attention on the issue of officer-involved domestic violence. Thorough review, bolstered by the strengthening or creation of policy, ensured that should any report or allegation of domestic

⁴ In fact, the Seattle Police Department recently was praised by an expert in police accountability for posting its entire Department manual on the web. Samuel Walker notes in his latest book that the traditional attitude of departments in regarding their manuals as non-public documents denied the public basic information about police policies and sent the message that the people have no right to know how the department operates. Walker, "New World of Police Accountability," page 190. The OPA recommended the public posting in 2001 and Chief Kerlikowske readily agreed and directed the posting.

violence by a Department employee surface, SPD has the structure, policies, and accountability mechanisms in place to respond effectively. SPD staff has contributed to the development of statewide policy for law enforcement agencies in the area of officer-involved domestic violence.

In this reporting period, at the Chief's direction and under the RMAT umbrella, the OPA worked with the City of Seattle's Risk Management Division to learn more about the Department's loss and expense history. OPA also reviewed the Department's own process for review and maintenance of information about tort claims and lawsuits. Finally, OPA reviewed the policies that govern the management and defense of the Department in claims, lawsuits, and special projects.

Through the review, the Department was able to identify several issues that impaired the Department's ability to effectively manage and reduce risk, promote accountability, and manage its allotted budget for settlement and expenses. Policy recommendations were made in each area.

This work dovetailed with the restructure of risk-management related roles and responsibilities within the Field Services Support Bureau. As a result of the OPA-led RMAT review and the reorganization within the Field Services Support Bureau, the Department has begun the process of revising Department policies to provide for (1) review of new tort claims and lawsuits by the Risk Management Advisory Team; (2) designation of a department liaison to the entity handling the claim or lawsuit; and (3) the routine referral of claims alleging misconduct to OPA for review and possible investigation.

This process is still underway. OPA and the RMAT will coordinate with the recent hire for the revamped Risk Manager position in Human Resources. Following the completion of this project, RMAT will continue its focus on emerging issues and trends.

Interaction with the Training Section. Previous OPA reports have recommended a closer working relationship between OPA and the Training Section. Over time, this relationship has developed. Now, the OPA has regular interaction with the Training Section for the Department.

First, the OPA Investigation Section routinely consults Training for input during investigations. Investigators seek information about current training for officers on issues ranging from vehicle searches to compliance techniques. The information provided often proves critical to a determination of whether the officer's actions were consistent with training and policy or a deviation that amounted to misconduct.

Training also shares technical expertise with OPA-IS on an ongoing basis. Recently, for example, the lead Taser trainer met with OPA-IS staff to show them how to retrieve data from the new X-26 tasers, and to discuss changes made to the less-lethal policy.

There is also interaction between OPA and Training over cases that have already been closed. The facts in some complaints raise novel questions about what tactical or strategic response would be optimal to certain situations. Or, sometimes an emerging issue or pattern leading to

complaints can be detected, as with complaints by on-lookers observing police activity. OPA may also want to alert Training to a recurring problem such as inadequate documentation of reasonable suspicion in street contacts leading to pat down searches.

The hope is that by keeping Training informed of real-life complaint scenarios, the section can devise curriculum and training designed to prevent or minimize reoccurrences.

Recently, OPA asked Training to review a closed unnecessary force case involving two hot – and controversial - topics: the use of preventative force, and the deployment of a Taser device. The Training Commander reviewed the fact pattern, and responded to OPA with a detailed memorandum. In the memo, Training explained its defensive tactics curriculum as it pertained to the use of preventative force in response to the perception of an imminent threat. The Commander also indicated that it would share the taser deployment fact pattern with the taser instructors so that they could learn from the situation themselves, discuss possible alternative responses, and better prepare officers who may face similar circumstances.

OPA also gives more formal input into the Training curriculum. Through the command staff, OPA contributes to the review and development of the content of the training to be provided to officers at all levels and first line supervisors. In addition, OPA directs some of its policy recommendations to the Training Section. OPA also evaluates and gives feedback to Training on specific courses.

Finally, new this year, OPA has teamed up with Training to revamp the OPA presentations to new SPD officers. After discussing the best approach with Training, and seeking the advice and counsel of the Chief, the OPA Director, Associate Director, and OPA-IS Captain and Lieutenant have begun to meet personally with each new class of recruits.

Instead of a formal presentation on the mechanics of complaint investigations, it was agreed that more direct, informal interaction would be more meaningful. The officers have a chance to assess the leadership of OPA firsthand, and see for themselves whether what they've heard is accurate. In turn, OPA shares its approach, provides reassurance, and gives some direct, immediate advice on the most common pitfalls resulting in citizen complaints.

OPA and Training have a lot to learn from and teach each other. The ongoing communication can only improve accountability and reduce the Department's exposure to risk.

Input into the Firearms Review Board process. OPA's role with respect to officer-involved shootings had consisted of: (1) a position for the OPA Director on the Department's Critical Incident Response Team, and (2) an official investigative role only in cases where the primary reviewer, the Firearms Review Board (FRB), made a formal referral for investigation of a policy violation.

The OPA role has been expanded to include review of the investigative files and draft findings of the FRB. This allows active review of an investigation for thoroughness and objectivity from a

different, non-sworn perspective.⁵ In addition, it allows the OPA to evaluate for itself whether there are policy and/or accountability issues presented by the facts, and to share its input with the Chief of Police prior to a final decision being rendered.

This receptivity to OPA review and input into these critical incidents is compelling evidence of willingness on the part of the Department to embrace critical review and change as a way of doing business.

POLICY RECOMMENDATIONS AND STATUS

This report of policy recommendations made by the OPA includes issues and recommendations forwarded for review from September 2003 (publication date of 2003 Annual Report) through December 2004.

Policy recommendations are divided into two categories: 1) recommendations on OPA policies and procedures, and, 2) recommendations on policies concerning professional standards, training, risk management and accountability.

Below are summaries of recommendations made in both categories, and the status of implementation of corrective action.*

**During this reporting period, the OPA also made policy recommendations pertaining to the use of Tasers. These will be addressed in the upcoming OPA report on Use of Force complaints Involving Taser Application.*

⁵ It must be noted that SPD has had a citizen serve as an observer to the FRB process since 1997. The Citizen Observer issues annual reports to the City Council.

RECOMMENDATIONS ON OPA POLICIES AND PROCEDURES

Issue	Recommendation	Implemented	Pending Implementation	Under Review	Rejected by Department
<p>Hard-copy complaint form - Though none was required, sometimes citizens expressly asked for a “form” that could be filled out and turned-in at a later date.</p>	<p>A new form was developed and distributed at Precincts and throughout the community to fulfill this need.</p>	X			
<p>Establish additional forum for intake of citizen complaints - Citizens needed an alternative forum outside of the police department to report issues of misconduct.</p>	<p>OPA partnered with the City’s Citizen Service Bureau to receive and forward complaints to OPA. OPA staff provided training on complaint intake; brochures and informational bulletins were updated and distributed to inform citizens of this option.</p>	X			
<p>Response to complaints alleging biased policing - In follow up to the OPA 2003 Report on Biased Policing and as part of a continuing effort to improve service quality and customer support in this critical area of concern.</p>	<p>An internal policy was developed to address the specific issues of intake protocol, classification standards, investigative procedures and quality control.</p>	X			
<p>Unit Commander Follow-up – In the complaints that did not amount to misconduct, the OPA-IS lieutenant noted that several would nonetheless benefit from additional follow-up or contact by the precinct.</p>	<p>OPA-IS added a unit commander follow-up section to the Preliminary Investigation Reports.</p>	X			
<p>Content of closing letters - Letters sent to complainants at the conclusion of an investigation relied too heavily on internal, technical jargon that would be confusing to citizens. The OPA Review Board had also raised concerns about the impact of the Department’s terms for findings on complainants.</p>	<p>Closing letters were revised to provide a clearer description of the evidence, finding and rationale behind the decision, and to omit the technical terms used internally to describe findings. <i>Note: The omission of terms from the closing letters was not endorsed by OPARB.</i></p>	X			
<p>Criminal History – OPA procedures included a presumption against running the criminal history of complainants or civilian witnesses but the names were still run in a number of cases. In addition, the OPARB questioned whether OPA was complying with Department policy.</p>	<p>OPA-IS asked for a legal opinion regarding running criminal history in the course of an administrative investigation. The policy was restricted further. Procedures were put in place to ensure compliance with the policy by precincts or units conducting line investigations.</p>	X			

RECOMMENDATIONS ON POLICIES CONCERNING PROFESSIONAL STANDARDS, TRAINING, RISK MANAGEMENT AND ACCOUNTABILITY

Issue	Recommendation	Implemented	Pending Implementation	Under Review	Rejected by Department
<p>Administrative Reviews - An administrative review (AR) is a review by a supervisor of an officer's performance conducted when the number of complaints indicates a possible problem. OPA identified weaknesses in the area of consistency, content, and follow-up.</p>	<p>OPA initiated corrective training to improve the process. This is an on-going OPA initiative. The Administrative Review system will be replaced by the Department's Early Intervention Program currently under development.</p>	X			
<p>Review of Mobile Data Terminal (MDT) transmissions for professionalism - In several cases, OPA noted inappropriate MDT messages between officers.</p>	<p>At OPA's recommendation, supervisors were reminded of the need to (1) reinforce the expectation that transmissions be appropriate and professional, and (2) to regularly review this administrative message traffic. This expectation was also included in the Department's newly revised Standards of Conduct manual section.</p>	X	X		
<p>Officer-involved domestic violence policy - An OPA investigation raised questions about the appropriate role of the chain of command when their employee is the subject of an investigation by another agency.</p>	<p>The role of the agency and immediate supervisors in response to officer-involved domestic violence was clarified in new policies and procedures.</p>	X			
<p>Use of Force Policy - Based in part on OPA input, the Department made significant changes to the Use of Force policy. The changes were intended to enhance use of force reporting and review and to achieve greater consistency throughout the Department on the interpretation and application of the policy.</p>	<p>OPA followed-up with a recommendation to provide training to patrol officers and supervisors on the implemented changes.</p>	X			
<p>Citations based on attitude and demeanor - As a result of several complaints, OPA recommended that the Department amend its policy on issuing citations to address the question of attitude and demeanor.</p>	<p>New policy language was developed to emphasize that enforcement actions will not be issued based on attitude and demeanor, but that attitude may be taken into account if it is apparent that a lesser action will not have the desired effect of correcting prohibited actions.</p>		X		

Issue	Recommendation	Implemented	Pending Implementation	Under Review	Rejected by Department
<p>Stops, Seizures, Searches - A significant number of OPA complaints involved questions related to the legality of a stop, search, or seizure.</p>	<p>OPA made a training recommendation for priority attention to these issues in the Department's training curriculum.</p>	X			
<p>Pretext stops - Several OPA cases raised questions about the law relating to pretextual traffic stops. Concerns about pretext stops often overlap and compound the perception of racial profiling.</p>	<p>OPA recommended additional training for officers and supervisors in this fact-specific and complex area of law.</p>	X			
<p>Detention of witnesses - A complaint investigation revealed legal problems with the detention of an uncooperative material witness in a homicide case.</p>	<p>OPA recommended updated training regarding the law as it relates to witnesses during investigations. The commander of the affected unit responded with a detailed discussion and written reminder that was shared with all follow-up units.</p>	X			
<p>Citizen ride-along program - Issues and concerns were noted in two areas: (1) allowing juveniles and children of officers to go on ride-alongs and (2) listing citizens as witnesses in incident reports.</p>	<p>These recommendations resulted in audits by the Department and policy changes to improve the program.</p>	X			
<p>Invocation of "Garrity" language - Law derived from the Fifth Amendment provides that statements compelled by an employer in an administrative investigation cannot be used in criminal proceedings. In several cases, employees used the "true and voluntary" language of Garrity in circumstances where it did not apply and should not be invoked.</p>	<p>At OPA's recommendation, a directive from the Chief is being published to clarify and restrict the invocation of Garrity protection.</p>		X		
<p>Conflicts of interest in investigations - OPA raised concerns regarding officers investigating possible crimes in which they or a family member is the victim.</p>	<p>Language proscribing this conflict of interest was included in the newly revised Standards of Conduct.</p>		X		
<p>False Testimony - Review of an OPA-IS case highlighted the fact that SPD did not have a policy section explicitly addressing "false reporting/or false testimony".</p>	<p>Upon OPA recommendation, the new Standards of Conduct was revised to include one.</p>		X		

Issue	Recommendation	Implemented	Pending Implementation	Under Review	Rejected by Department
<p>Information concerning guilt or innocence - A complaint investigation discovered facts suggesting that an officer was aware of conflicting testimony provided by a fellow officer. Though no intentional misconduct was found, the information could have been relevant to the guilt or innocence of the suspect. This information should have been reported to a supervisor.</p>	<p>OPA recommended additions to the new Standards of Conduct section to require mandatory reporting of information that might bear on innocence.</p>		X		
<p>Gratuities - OPA investigated a case involving the purchase by an officer of a firearm from a citizen who contacted him in the course of his duties. The purchase was determined to be a conflict of interest (gratuity).</p>	<p>Language prohibiting such conduct was added to the new Standards of Conduct section.</p>		X		
<p>Correction to criminal history records - During a case review, it was determined that the complainant had been arrested without probable cause. No procedure existed for the removal from databases of any record of the arrest.</p>	<p>A draft policy was drafted by the OPA and forwarded for review and implementation to permit such corrections.</p>		X		
<p>Cameras in holding cells - Several complaints were reviewed in which misconduct by police while in custody at police facilities was alleged.</p>	<p>OPA recommended a feasibility study for the installment of cameras in common areas of holding cells where prisoner processing occurs.</p>		X		
<p>Buy-Bust procedures - A review of an excessive force complaint raised issues concerning implementation of screening or compliance with policies with respect to strip searches of buy-bust arrestees.</p>	<p>Further review and implementation of policy changes and training was recommended.</p>			X	
<p>On-lookers viewing police actions - OPA reviewed several complaints arising out of conflicts between the police and citizens who had stopped to watch police activity.</p>	<p>This issue was forwarded to Operations and to the Training Section for further review and discussion of policies, practices, training and public education that may minimize these confrontations.</p>			X	

Issue	Recommendation	Implemented	Pending Implementation	Under Review	Rejected by Department
<p>Verification of ID in vice arrests - Fictitious names are often provided by suspects arrested for vice-related crimes.</p>	<p>A recommendation was forwarded by the OPA to examine SPD procedures for booking and transport to keep misidentification issues to a minimum.</p>			X	
<p>Photographing dark-skinned subjects – Poor quality photographs of dark-skinned individuals in use of force documentation by the precincts sometimes preclude conclusive findings.</p>	<p>OPA recommended that the Department pursue improved equipment and practices to achieve better quality photographs.</p>			X	
<p>Joint task forces - Upon review of several complaints in which SPD officers were serving on joint task forces, it was determined that there was a lack of understanding concerning whether SPD employees were expected to follow SPD policy and directives.</p>	<p>OPA recommended a review of arrangements and the development of policy and guidelines.</p>			X	
<p>Arrest reports during protest events – In a case involving the arrest of an anti-war protester, OPA found that the arrest report recited facts that were not accurate. It was discovered that the report was confused with a separate incident also involving a female arrestee.</p>	<p>OPA recommended a review of policies and procedures for the writing, signing, and reviewing of arrest and incident reports in demonstrations or mass arrest. OPA further recommended that a procedure be developed for the official correction of a report discovered to be inaccurate.</p>			X	
<p>Use of Bicycles during protests or mass events – OPA reviewed a case involving a bicycle officer who unintentionally struck the complainant in the face with his bicycle during a demonstration, causing minor injury.</p>	<p>OPA pointed out that the use of bicycles as mobile fencing raises policy and legal issues, and recommended that the tactic be subjected to additional review.</p>			X	

SUMMARY

The Office of Professional Accountability was created to investigate complaints of misconduct and raise professional standards within the Seattle Police Department, not as an instrument of risk management. In the past four years, though, the Department and the City have realized the additional benefit of OPA contribution to the identification and mitigation of risk management and liability issues.

It must always be remembered, however, that while systematic policy review and implementation of OPA recommendations will inevitably reduce the Department's exposure to financial risk through litigation, the real impetus for change is the motivation to do the right thing by the citizens the Department serves and protects.

Enhanced training on stops and searches helps prevent convictions from being overturned, but it also safeguards important civil rights. Documenting and analyzing complaints about biased policing may better position the Department against a discrimination claim someday, but the purpose of the bias database is to help the Department understand the factors that contribute to racial tension, and to show communities of color that we care. Supervisory attention to all requests for medical assistance may prevent a substantial jury award, but far more importantly, it may also save a life.

The collaboration on policy between the OPA and other units of the Department may be disquieting to those who believe that firm boundaries and an adversarial relationship are evidence of a strong accountability program. While the academic debate over the ideal form of civilian oversight continues to simmer, I cast my vote in favor of what *works*.

Creating new policy, and changing, or merely monitoring compliance with, existing policy will seldom be an easy process, and almost never a speedy one. But the Department has embraced critical review and change as a way of doing business, and OPA is a prominent part of its strategy.

It is axiomatic that citizens and police officers will frequently disagree about OPA decisions on individual complaint investigations. By contrast, improved Departmental policy, training, and supervision are an outcome that all stakeholders in the police accountability arena can agree on.

Integrating the OPA's policy review and recommendation function into the Department's existing structure and programs is adding enduring value to the Department and the public it serves.