



OFFICE OF PROFESSIONAL ACCOUNTABILITY 2015 Annual Report

Director Pierce Murphy
May 2016

Message from Director Murphy

OPA's commitment to accessible, trusted, transparent and independent oversight of the Seattle Police Department led to a productive and busy 2015. This annual report is a glance at the past year of work conducted by the skilled members of OPA. It provides a unique glimpse into the effects of Seattle's police reform process and the benefits of a robust accountability system. This report not only contains statistics about OPA complaints, it also provides understanding and insight into sustained findings, discipline, and the nature of allegations.

I have been working to increase the accessibility and transparency of OPA, through the use of our website. As a result, both have never been greater than they are today. Last year with the help of our staff and City resources, OPA launched a Complaint Tracker, a unique application allowing complainants and all interested parties to check on the status of an OPA case. This real-time access helped increase OPA's web traffic and has viewers staying on the OPA Complaint Tracker page in excess of four minutes. Additionally, all Closed Case Summaries are posted online to the public for every OPA investigation. Again, this open-door policy has increased OPA's ability to disseminate information to the public pertaining to allegations against SPD officers and employees, while promoting trust in the overall accountability system. Finally, OPA launched an Anonymous Web Form allowing community members with concerns about police actions to file an anonymous complaint thereby increasing accessibility. With additional resources coming on-line in the next year, OPA hopes to capitalize on this growing viewer base to provide additional education and information to those interested in the Police Accountability System. OPA also hopes to receive final approval for a Data Analyst position to help take the breadth of data available to OPA and provide the City and community leaders with guidance into the nature of SPD and the Seattle Police Accountability Structure.

One of the biggest shifts in 2015 was a dramatic increase in the use of OPA's Management Action Recommendations (MARs) – one of the only aspects of the accountability structure designed to provide direct feedback to SPD as an organization. MARs are a unique tool in which the OPA Director is afforded the opportunity to make recommendations for department level changes or improvements in SPD policy, training, supervision, etc. In 2015, I issued 9 MARs pertaining to a variety of issues from fair housing benefits, In-Car Video Policies, SPD use of HOV lanes, and Secondary Employment. Specifically, one MAR resulted from an investigation into an integrity allegation that SPD employees were depriving the City of potential parking revenue by using non SPD spots. The result of this MAR was the creation and implementation of SPD Policy 10.010 which clearly outlines the requirements for use of City parking facilities by SPD employees. Additionally, in another MAR, OPA was able to prompt the department to create 5.180 regarding SPD officers' ability to carry weapons into King County Superior Court. Finally, I'm particularly proud of the work OPA did on MARs which addressed the need for SPD to take a deeper look at SPD's secondary employment and overtime usage – both of which were addressed in a recent report authored by the City Auditor.

Overall, 2015 has been a remarkable year. I am honored to be a part of a system seeking to advocate for accountability to increase and promote public confidence through positive change to SPD.


Director, Office of Professional Accountability

**"Police accountability is our mission, not just our name.
My commitment to the work of OPA and civilian oversight
of the police remains undaunted.**

**This is my life's work and I am deeply grateful to be able to
serve the people of Seattle in this way."**

Pierce Murphy, OPA Director



2015 Highlights and Trends

OPA received 1923 complaints in 2015, resulting in 382 Investigations, 634 Supervisor Actions, 905 Contact Logs, and 2 Mediations.

During the same period, OPA completed 328 Investigations, 642 Supervisor Actions, and 900 Contact Logs.

Regarding the 328 Completed Investigations:

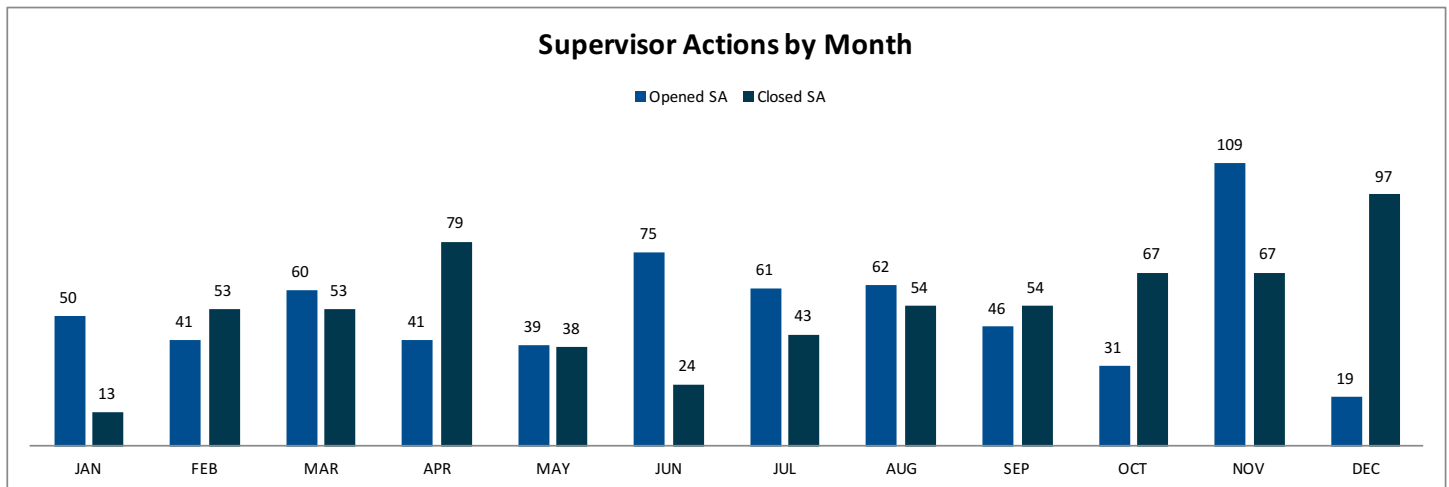
- OPA saw a 6% decrease in the number of complaints classified for investigation in 2015, over the prior year.
- 646 allegation findings were recommended, of which 177 (27%) were recommended sustained. This is a 69% increase over 2014 in sustained findings.
- The 177 sustained findings resulted in 54 Oral Reprimands, 16 Written Reprimands, 16 Suspensions Without Pay (ranging from 1-20 days) and 11 terminations (6 of which resigned/retired in lieu of termination)
- The most frequent allegation received in 2015 was for Use of Force. This comprised 19% of all allegation types. There was a 60% increase in Use of Force Investigations from 2015.
- OPA saw a 7% increase in the number of Supervisor Actions completed in 2015 than the previous year.
- In 2015, there were three SPD employees named in 3 or more cases which resulted in sustained findings. Two of those employees were terminated, and one employee resigned in lieu of termination.



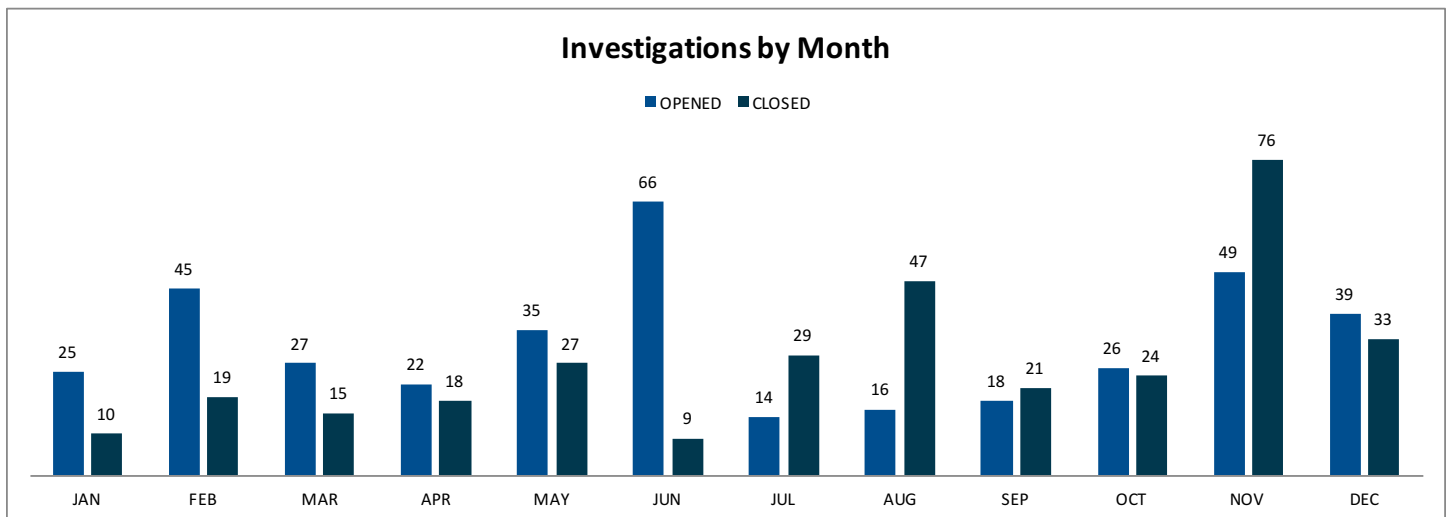
OPA Workload and Intake

With a fluctuating and unpredictable volume of intake and a 180-day deadline to complete investigations, OPA’s caseload can vary substantially throughout the year. Seattle’s seasonal variation (more public activities allowing for police encounters during the warmer months) and SPD Training schedules can also affect OPA’s caseload resulting in increased number of cases and subsequent completions 180 days later.

Not all OPA complaints are classified for investigation. In fact, over the past year, an increasing number of cases have been classified as a Supervisor Action (“SA”). A SA classification is used for conduct that either was not a violation of policy or was a minor violation of policy that may be best addressed through education, communication, counseling or coaching. A SA is intended to address the underlying circumstances and perspectives of those involved in an incident, and provide supervisors, employees, and complainants an opportunity to understand each other’s concerns and experiences. In 2015, OPA had an increase in classification of SA’s by 182%, predominantly due to the completeness of OPA’s intake process. Moreover, OPA completed 105% more SA’s in 2015 than in the previous year. When it is determined the nature of the allegation does not warrant a full investigation, OPA is able to pass the information obtained during intake to the Chain of Command. This allows them to address issues with the employee and contact the community complainant to assist in building trust and mutual understanding between law enforcement and the community they protect.



2015 month-by-month comparison of opened versus closed Supervisor Action. The OPA Manual in 2015 indicated all Supervisor Actions needed to be completed by the field within 30 days. That time was reduced in the 2016 Manual update to 15 days.



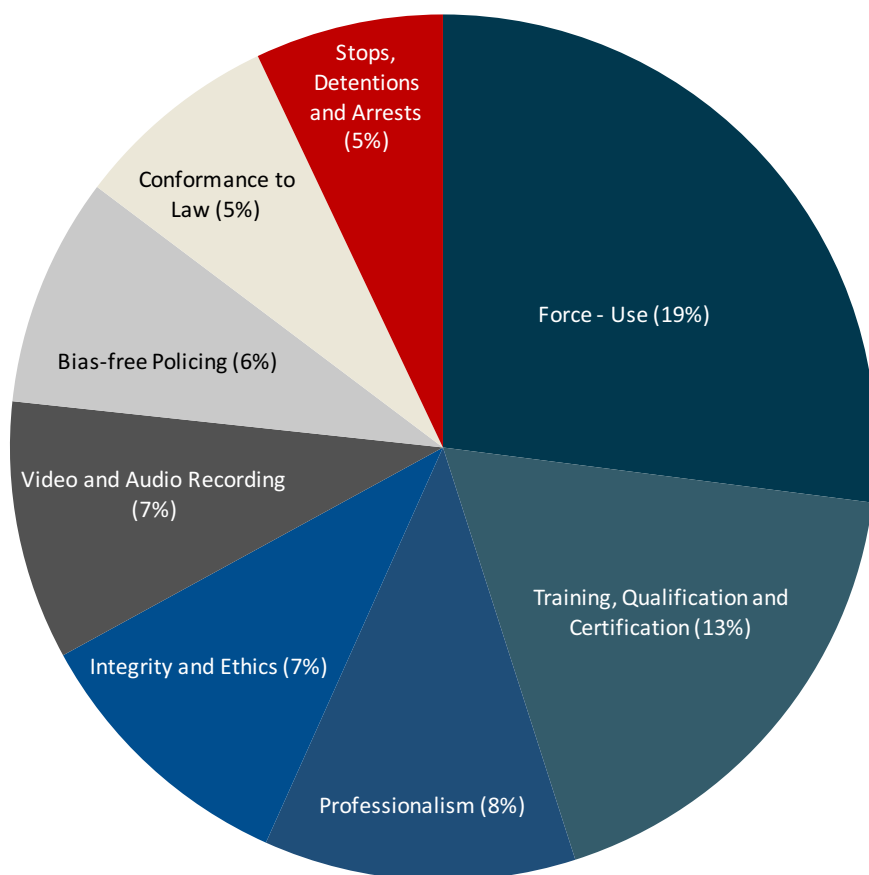
2015 month-by-month comparison of opened versus closed Investigations. Given the 180-day requirement for completed an investigation, some cases closed in 2015 were opened in 2014.

Timeliness of Investigations

Under the collective bargaining agreement, OPA is required to complete all investigations within 180 days in order for discipline to be imposed. In all cases involving sustained findings, OPA completed the investigation within the 180 days. In some instances, the Bargaining Unit for named employees granted OPA extensions due to unforeseen circumstances. In other cases, portions of the 180-day period were tolled while the case was pending a criminal investigation in a jurisdiction outside Seattle or was being reviewed by a prosecutor for consideration of charges. In 2015, OPA completed 228 Investigations, of those 125 had sustained findings. This chart reflects the timeliness of all cases involving sustained allegations.

Days Open	Case Total	%
≤ 60	2	2%
61-120	2	2%
121-150	4	3%
151-180	117	94%
≥ 180	0	0%

Most Common Allegations



The most common allegations comprise ~71% of the total allegation types. The remaining ~29% of allegations are: 3% for each of courtesy/demeanor, investigations/reports, search/seizure, and performance of duty; 2% for each of direction/authority, obedience to orders, admin requirements, property/evidence; and with 1% or less for force-reporting, supervisory responsibility, complaints -internal, duty to provide identification, force-investigation, retaliation/harassment, secondary employment, vehicle operations, confidentiality, information systems, self-reporting obligations, service quality, complaints-public, equipment/uniform, off-duty conduct and timekeeping/payroll.



OPA

OFFICE OF PROFESSIONAL ACCOUNTABILITY

Accountability System

Seattle has a unique and dynamic accountability system in which the Chief of Police retains the sole authority to issue findings and discipline. The OPA Director's role is to make independent and trusted recommendations of findings to the Chief of Police for her consideration. If the Chief of Police decides not to follow the recommendations of the OPA Director, per Seattle Municipal Ordinance, the Chief of Police must provide a written explanation to the Mayor and City Council.

After the investigation is complete the OPA Director recommends to the Chief of Police either Sustained or Not Sustained findings for each allegation. When an allegation is Not Sustained it can be because it is Lawful and Proper, Inconclusive, Training Referral, or Management Action Recommendation. The preponderance of the evidence standard is used when determining whether an officer or employee violated department policy. This standard is not as high as proof beyond a reasonable doubt; however, it means it is more probable than not that the allegation in question occurred.

In 2015, the OPA Director recommended 646 findings in 330 investigations. In one case involving 5 allegations, the Chief of Police disagreed with two of the allegations, changing them from Sustained to Not-Sustained Inconclusive. That case resulted in the termination of the employee.

Findings & Discipline

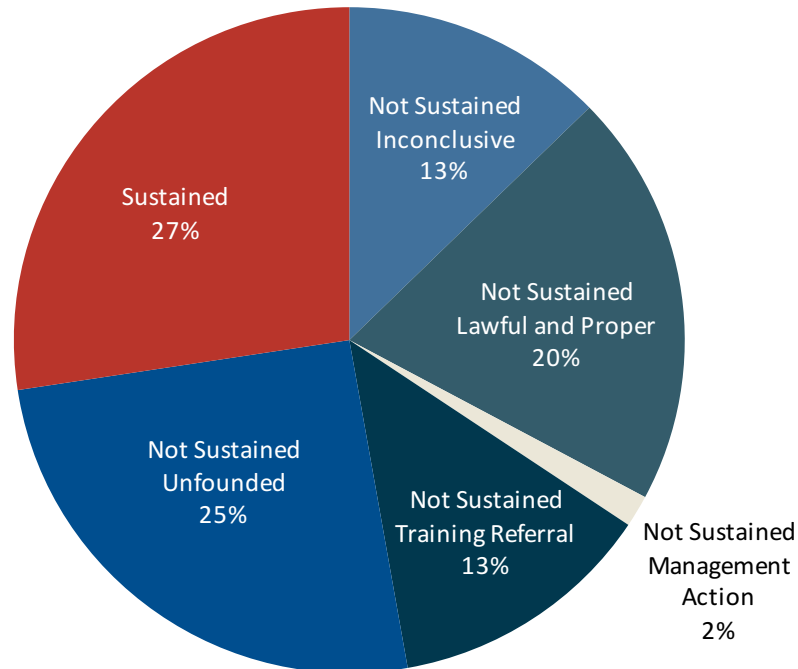
OPA completed 330 investigations in 2015, totaling over 646 allegations, of which 27% received a Sustained finding and 73% were Not Sustained. Of the Sustained Allegations, 111 employees received discipline. Some sustained findings did not result in discipline either because appropriate action had already been taken by the employee's supervisor, the employee no longer worked for the department, or the violation of policy was considered to be minor.

Of those employees who received suspensions without pay, 7.5 days was the average number of days suspended, with the largest suspension equaling 20 days and the lowest one day. Discipline in the form of days suspended, is limited to a maximum of 30 days off without pay pursuant to the collective bargaining agreement. Not included in the above sustained findings were 18 allegations involving 11 employees who were either terminated or resigned/retired in lieu of termination.

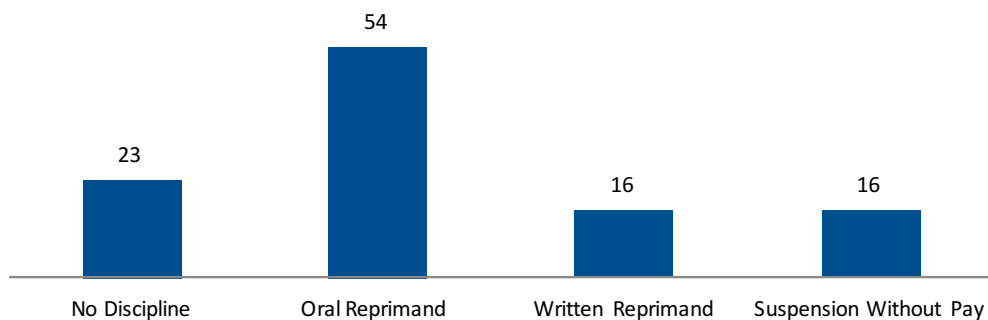
Of 11 employees who have left the department due to termination or retirement/resignation in lieu of termination, three appealed their termination. As of this report date only two remain outstanding with one having withdrawn his appeal.

Without exception, 2015 marks a dramatic shift for SPD. While not statistically significant, increasing from 3 terminations in 2014 to 11 terminations in 2015 can be seen as a strong indication the police are holding themselves accountable in a way not previously contemplated.

2015 Findings Issued

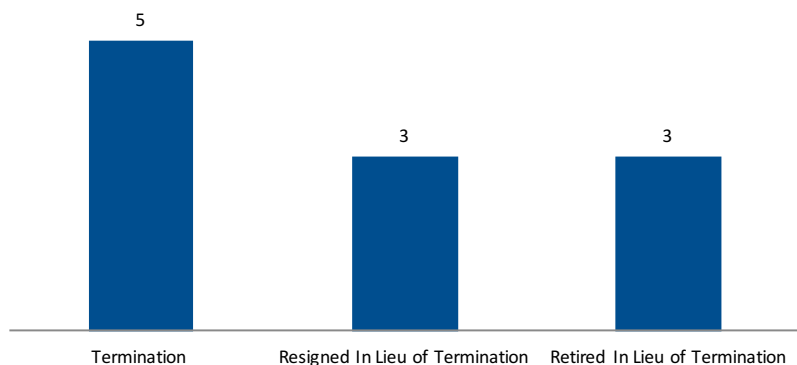


Types of Discipline



In 2015, 109 allegations resulted in no discipline, oral reprimand, written reprimand, or suspension without pay.

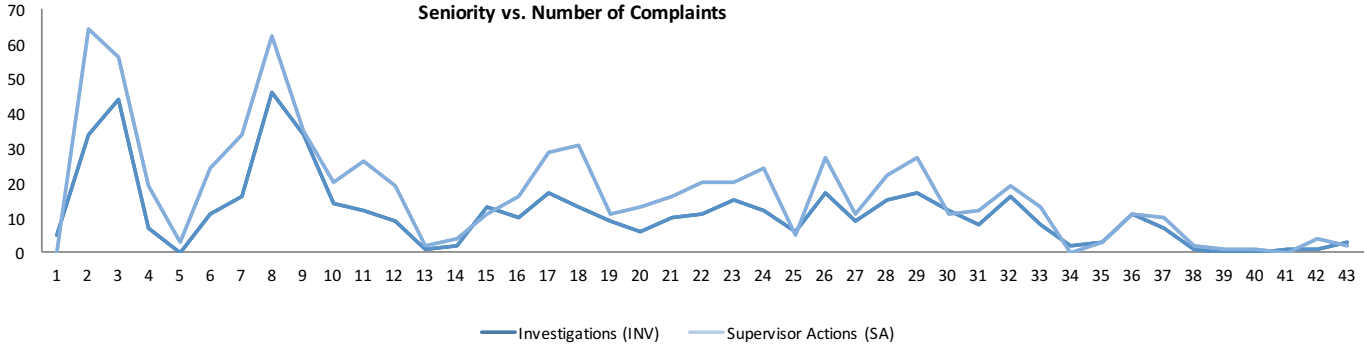
Termination or Resigned/Retired in Lieu of Termination



Eighteen sustained findings resulted in 5 terminations, and 6 employees who retired or resigned in lieu of termination.

Seniority

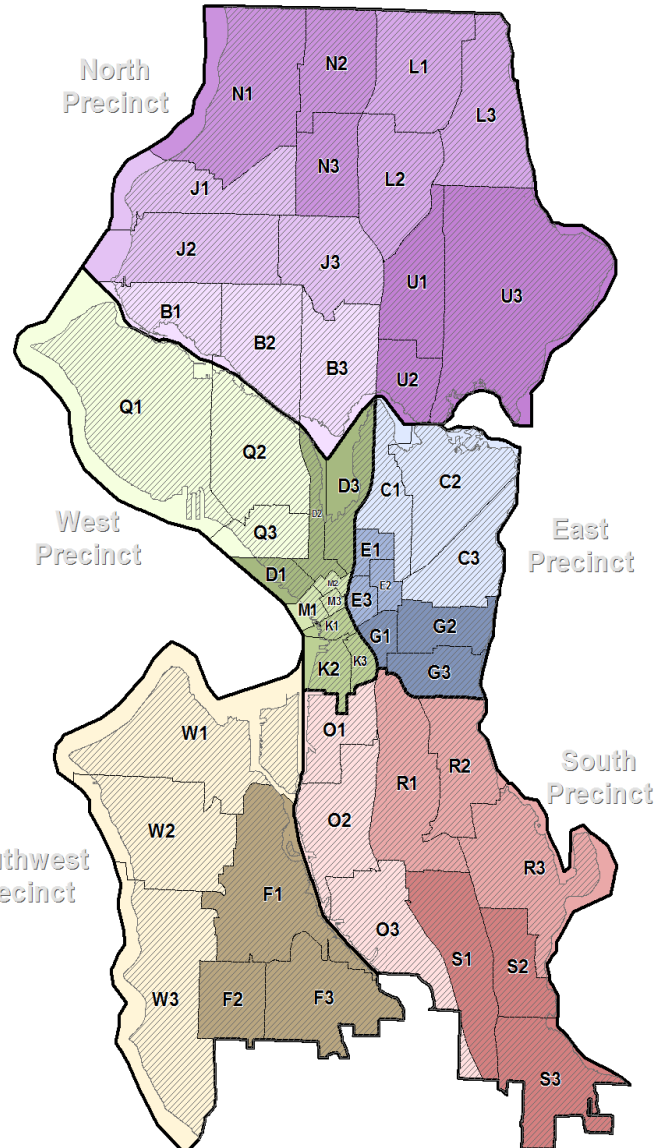
Reviewing the seniority of officers in relation to Supervisor Actions and Investigations provides some interesting data. It appears there are two prominent peaks in the number of complaints – one around 2-3 years, and another between 7-9 years of service. There are several possible reasons for these peaks. In the first year of service, an officer is supervised by a FTO, and has immediate supervisory support and guidance. Following that, they are on their own and have a steep learning curve, which could lead to an increased number of Supervisor Actions and Investigations.



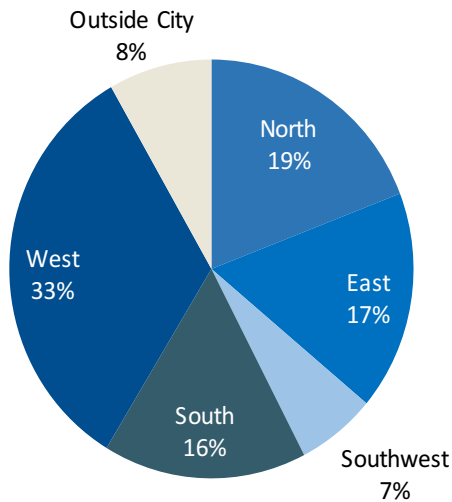
Investigations and Supervisory Actions per employee by years of seniority. Seniority is determined by using the SPD hire date of the employee, and does not reflect any prior law enforcement or military service.

Geographic Breakdown

While most incidents occur within the precinct to which the named officer is assigned at the time of the incident, some allegations arise from activity by officers outside of their assignments. All officers are required to follow SPD policy, even while off-duty (i.e., during secondary employment, in situations where there is an inappropriate use of position for personal gain, etc.).



Supervisor Actions & Investigations by Precinct



Use of Force

In July of 2012, almost 6 years ago, the U.S. Department of Justice found within SPD a pattern or practice of excessive force that violated the U.S. Constitution. The resulting Settlement Agreement by both parties (City of Seattle and DOJ) focused on a commitment to revamp the Use of Force Policy and implemented such that officers' actions would increase public safety, be effective and constitutional, and embrace principles of procedural justice.

Findings - Use of Force Cases	2014	2014
Sustained	1%	9%
Not Sustained Unfounded	17%	24%
Not Sustained Training Referral	1%	6%
Not Sustained Management Action	0%	1%
Not Sustained Lawful and Proper	68%	52%
Not Sustained Inconclusive	13%	9%

Additionally, the DOJ raised concerns that, while the majority of Use of Force cases investigated by OPA were deemed lawful and proper, none of Use of Force cases deemed by the DOJ to be unconstitutional were ever referred to OPA. They were handled internally by the Chain of Command.

Thankfully it appears those times have changed with the advent of a highly reliable force reporting and investigation process and an effective Use of Force Review Board.

In 2015, OPA investigated over 123 allegations of Use of Force, and found 11 (9%) of those sustained and 112 (91%) Not Sustained. The increase of sustained findings between 2014 and 2015 could reflect a positive fundamental shift in SPD's Use-of-Force Core Principles to fostering a trusting and strong partnership between SPD and the Community.

As discussed previously, one OPA investigation into a Use of Force allegation resulted in a Management Action Recommendation (MAR) which specifically addressed SPD operations in protests, marches and demonstrations.

This data powerfully demonstrates the impact of key stakeholders such as SPD, the City of Seattle, the OPA Auditor, the Community Police Commission, U.S. Department of Justice, and the Monitor in changing long held beliefs and practices with sound policy and implement from the top down.

Training Referral Audit

In 2014, OPA had 65 cases that resulted in 74 training referrals. In 2015, OPA had 50 cases resulting in 83 training referrals (7 of which were for Use of Force). In July of 2015 an audit of Training Referrals, requested by the OPA Auditor, revealed 14 cases from 2014 with 17 outstanding Training Referrals, and 26 cases from 2015 with 30 outstanding Training Referrals.

At the completion of 2015, all outstanding Training Referrals from 2014 and 2015 had been completed.



Mediation

During the intake process the OPA Director may suggest voluntary mediation to resolve complaints if both the complainant and the employee agree. Mediation is potentially an option for complaints involving apparent miscommunication or misperception between officers and members of the public. Mediation is not considered for complaints involving particularly egregious allegations, such as use of force, possible violations of law, etc. Although only two cases went through mediation in all of 2015, OPA took into consideration the OPA Auditor's observations, starting in 2013, reminding OPA many cases can more effectively be resolved and timeliness of cases increased through Mediation.

OPA has found the experience of both complainants and employees who participate in mediation encouraging. In fact, in a recent mediation, a complainant indicated she was not only able to gain understanding about the actions of the officer, but felt even if the case had resulted in discipline, she could not have been more satisfied with the outcome. Additionally, SPD officers expressed a better understanding of the issues the complainant raised and increased awareness of why the complainant felt that way. These positive results are encouraging and OPA hopes to work with local mediators, and city agencies to increase its capacity to route appropriate cases to mediation in the coming year.

OPA General Statistics

Seattle Municipal Ordinance 3.28.825 (A) requires the reporting of various statistical data pertaining to complaints processed by OPA. Below is a high level summary of the raw data and in some cases the percentage distribution as required by ordinance. All raw data was obtained during April 2016 for the period from January 1, 2015 – December 31, 2015.

- All demographical data related to intake method, race, and gender is for cases received during 2015.
- All data related to findings are for cases completed during 2015.
- Data related to Named Employee Gender and Race was not reported in 2013 and is not available.

Received	2013	2014	2015
Contact Log	681	695	905
Supervisor Action	337	406	634
Investigation	190	225	382
Total	1208	1326	1921

Completed	2013	2014	2014 %	2015	2015 %
Supervisor Action	325	313	59%	642	66%
Investigation	165	215	41%	328	34%

Findings	2013	2014	2015
Sustained	16%	16%	27%
Not Sustained - Unfounded	28%	28%	25%
Not Sustained - Lawful & Proper	24%	26%	20%
Not Sustained - Inconclusive	19%	15%	13%
Not Sustained - Training Referrals	13%	13%	13%
Not Sustained - Management Action	N/A	2%	2%

Intake Method*	2013	2014	2015
Internal SPD	7%	16%	37%
External Email	16%	22%	10%
Web Form	30%	25%	23%
Phone	32%	25%	20%
In-Person	10%	9%	6%
Letter	4%	3%	4%

*Fax removed, < 0.05%

Complainant Gender	2013	2014	2015
Female	35%	32%	39%
Male	56%	54%	56%
Not Provided	9%	14%	6%

Named Employee Gender	2013	2014	2015
Female	-	14%	18%
Male	-	76%	76%
Not Provided	-	10%	6%

Complainant Race	2013	2014	2015
Asian/Pacific Islander	4%	3%	4%
Black	15%	16%	18%
Latino	2%	2%	2%
Native American/Alaskan Native	1%	1%	1%
White	50%	44%	26%
Not Provided	28%	34%	49%

Named Employee Race	2013	2014	2015
Asian/Pacific Islander	-	8%	7%
Black	-	9%	9%
Hispanic/Latino	-	6%	5%
Native American/Alaskan Native	-	2%	2%
White	-	72%	72%
Two Or More Races*	-	2%	3%
Not Provided	-	1%	1%

*SPD HR collects data on Employee race differently and allows for this option.

Complaint Appeal Status

While OPA does not directly handle the complaint appeal process, OPA made a commitment to report on their status. Handled through either the Public Safety Civil Service Commission, or the Disciplinary Review Board, below are the status of all appeals as of the publishing of this report.

Case	Allegations	Appeal Date	Change or Final Decision
12-IS-0263 12-IS-0477	Violation of Law	2012	Upheld Termination (06/23/15)
13-IS-0225	Violation of Law	8/14/2014	Settled: Suspension Reduced from 30 to 24 days (04/11/16)
13-IS-0287	Honesty	7/17/2014	Settled: "Endorsed – No discipline due to time limit specified in bargaining agreement" (10/06/15)
13-IS-0301	Unauthorized Absence Military Leave Timekeeping Issues Compensation Regulations - Integrity	8/6/2014	Upheld Sustained Finding: Suspension reduced to written reprimand, made whole for lost wages (09/08/15). Sustained Integrity allegation removed by Chief of Police (04/08/15)
13-IS-0442	Professionalism / Derogatory Language Professionalism / Profanity Emergency Vehicle Operations	6/24/2014	Upheld Sustained Finding: Reduction of Discipline from 15 to 10 day suspension
13-IS-0470	Primary Investigations	6/24/2014	Settled: One day suspension to written reprimand; 9 hours of vacation leave restored to officer.
13-IS-0479	Professionalism / Exercise of Discretion Primary Investigations	7/17/2014	Appeal Withdrawn
13-IS-0481	Professionalism / Profanity	10/14/2014	Settlement Agreement: Sustained finding and discipline (oral reprimand) remained the same. Settlement provided for contingencies for removal of Disciplinary Action Report from officer's personnel file.
13-IS-0493	Violation of Rules / Regulations	1/28/2015	Upheld Sustained Finding and Discipline (5 day suspension)
14-IS-0099	Violation of Rules / Regulations Insubordination	8/19/2014	Appeal Withdrawn
2014-0377 2014-0544 2014-0842	Integrity & Ethics: Employees Shall Not Use their Position or Authority for Personal Gain	3/24/2015	Appeal Withdrawn
2015-0374	Employees Shall Be Truthful and Complete in All Communication	12/31/2015	Appeal Dismissed: Untimely

Complaint Appeal Status (Cont.)

Case	Allegations	Appeal Date	Change or Final Decision
2015-0117	Professionalism Officers Will Not Engage in Bias-Based Policing Voluntary Contacts and Terry Stops Use of Force Core Principals Officers Shall Use De-Escalation Tactics	10/8/2015	Pending
2014-0555 2014-0656 2015-0080	Employees Must Avoid Conflicts of Interest Employees Must Adhere to Laws and Department Policy Truthfulness Cooperation with Internal Investigations Professionalism Employees Will Perform a System Check Employees Will Record Enforcement – Related Activity Which Occurs Within Camera Range Employees Obey any Lawful Order Issued by a Superior Officer Secondary Employment	9/14/2015	Pending
2014-0580	Officers Shall Conduct a Thorough and Complete Search for Evidence	6/25/2015	Pending
2014-0233	Use of Force: When Authorized	4/24/2015	Pending

OUR MISSION

The mission of the OPA is to provide for civilian oversight of the complaint process; to promote public awareness of and full access to that process; and to advance accountability within the Seattle Police Department.

Office of Professional Accountability

720 Third Avenue, 18th floor
Seattle, WA 98104

Web www.seattle.gov/opa

Email opa@seattle.gov

Telephone (206) 684-8797



Seattle
Office of Professional
Accountability