

2014 ANNUAL REPORT



O.P.A.

OFFICE OF PROFESSIONAL
ACCOUNTABILITY

ISSUED BY

DIRECTOR PIERCE MURPHY

APRIL 29, 2015

Office of Professional Accountability 2014 Annual Report

The mission of the Office of Professional Accountability (OPA) is to provide civilian oversight of the Seattle Police Department's (SPD) accountability systems, including SPD's public complaint process and internal disciplinary and review processes. OPA also promotes public awareness of and full access to the public complaint process and advances accountability within the Seattle Police Department.

I. OPA's work is guided by three pillars of excellence: Accessibility, Transparency, and Trust. Major accomplishments in 2014 include:

Accessibility

- OPA relocated from SPD headquarters to the Pacific Building on 3rd Avenue between Cherry Street and Columbia Street. OPA is accessible by light rail and many bus lines. Members of the public no longer need to go to Police Headquarters to file a complaint; the public is now able to report allegations of police misconduct in a setting that expresses neutrality and objectivity.
- OPA's website was removed from the SPD website and is now independently managed by OPA and the City's web team. Visitors no longer need to navigate through the SPD website to find OPA. The website is visually distinctive from the Police Department's site to ensure that visitors are not discouraged from filing a complaint and to assuage any underlying concern about retaliation or independence.

Transparency

- The Monitor and Federal District Judge with jurisdiction over the City's Settlement Agreement with the U.S. Department of Justice gave approval to a comprehensive Internal Operations and Training Manual for OPA. This manual is accessible to the public on OPA's website and has allowed for OPA's work to be fully transparent.
- For every allegation made by a complainant, OPA recommends a determination (a "finding") regarding whether the preponderance of evidence supports the allegation. OPA began using the finding "Not Sustained - Management Action" in August to address improper or problematic police actions that were a result of deficiencies in the supervision, training, policy, or procedures of SPD, rather than of an individual employee. Management Action findings allow the OPA Director to make recommendations for long-term and systemic changes to SPD supervision, training, policy or procedures. These recommendations are sent to the Chief of Police and reported publicly on OPA's website. Included in this report is information on the four Management Action recommendations made in 2014, as well as the Chief's response to those recommendations.
- OPA implemented a new case management system (IAPro). This major project began in May and was fully implemented by the end of 2014. IAPro allows for more dynamic reporting and detailed tracking of information. Providing data to the public about the nature of the complaints OPA receives and investigates further increases OPA's transparency.

Trust

- In August, OPA began contacting complainants and named employees every thirty days to provide updates on the status of their case. Maintaining this contact demonstrates OPA's respect for the complainant's concerns, the named employee's interests, and the seriousness with which OPA conducts its work.
- Beginning on January 1, 2014, OPA assumed the additional oversight role of observing all SPD investigations of officer-involved shootings and serious uses of force including those that resulted in serious bodily injury. As a result of the City's Settlement Agreement with the U.S. Department

of Justice, a new Use of Force Policy went into effect in 2014. A key provision of this policy is enhanced procedures for the investigation of incidents in which SPD officers use force. A specialized team of force investigators known as the Force Investigation Team (FIT) was created by SPD to respond at any time to investigate officer-involved shootings and serious uses of force including those resulted in serious bodily injury. The new policy also calls for OPA to respond along with FIT as an observer to provide oversight on these important force investigations. Rebuilding public trust in SPD's investigation and review of officers' use of force is a critical component of the Department's current use of force policy and OPA has an important role in this.

- In response to a change in SPD policy that requires frontline supervisors to investigate complaints of certain types of minor misconduct, OPA developed the procedures by which SPD supervisors will receive and investigate complaints of minor misconduct. These procedures will provide SPD with the opportunity to demonstrate to the public that its supervisors are equipped with the appropriate tools and resources to conduct minor-misconduct investigations in an objective and thorough manner consistent with OPA standards and according to public expectations. This program will be implemented in 2015.

II. OPA Case Statistics

- The number of people who contacted OPA for services in 2014 was 1,326. Among these contacts, 225 were for complaints of misconduct classified for a full investigation, 406 were complaints of conduct that did not rise to a level that, if true, would result in discipline and were addressed with training or counseling by the employee's supervisor (Supervisor Action cases). The remaining 695 contacts were either not involving SPD employees or were other matters that could be resolved at the time of intake and did not involve a complaint of misconduct. OPA received a significant increase in the number of Investigations and Supervisor Action cases as compared with 2013. See *Attachment A* for a monthly distribution of contacts received in 2014.

Received	2013	2014
Contact Log	681	695
Investigation	190	225
Supervisor Action	337	406

Complaints are most frequently filed with OPA using OPA's web form, by phone and via OPA's email.

- Allegations: The most frequent allegations in cases received in 2014 were: Use of Force, Courtesy and Demeanor, Integrity & Ethics and Professionalism. Cases with allegations of Use of Force frequently include several officers and therefore, several allegations within one case. Often times, several officers are present during a use-of-force incident. See *Attachment A* for the full distribution of allegations.
- Findings: OPA completed 215 Investigations and 313 Supervisor Action cases in 2014. For Investigations, 16% of recommended findings were Sustained and 84% were Not Sustained.

There were no employees named in three or more cases which resulted in Sustained findings. One employee was named in two cases that resulted in Sustained findings. This employee was terminated as a result.

- Discipline: There were 55 cases with Sustained findings. Twenty-four employees received suspension without pay, ten received a written reprimand, nine received an oral reprimand and three employees had their employment terminated (one employee was named in two cases for which the Sustained finding resulted in termination). The remaining eight cases did not have discipline imposed 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.
See *Attachment A*.

- Time for Completion of Cases:
OPA's goal is to investigate and process Supervisor Action cases within 30 days. OPA then sends the case to the named employee's Chain of Command who has 30 days to complete the actions as directed by OPA. Per the City's labor agreement with the Seattle Police Officers' Guild, any investigation which results in discipline must be completed within 180 days. There is no deadline for investigations which do not result in discipline.
See *Attachment B* for the distribution of complaints and the time for completion.
- Complainant and Employee Demographics: See *Attachment C* for the distribution by gender and race.
- Employee Seniority: Named employees who had been with SPD for between seven and eight years received the most complaints, followed by those with just two years of service.
See *Attachment D* for the total distribution of employees' seniority and frequency of complaints.
- Assignment of Named Employees: Employees assigned to the West and North Precincts received the most complaints, followed by the East, South and Southwest Precincts. See *Attachment D* for the distribution of complaints by assignment.
- Mediation: There were no cases selected for mediation in 2014.
- Appeals: There were twelve cases, involving eleven employees, for which an appeal was filed in 2014. One employee, with two cases, has filed an appeal with the Public Safety Civil Service Commission. One case has been filed as a grievance by their civilian union. One case is a lawsuit by a former employee. The remaining eight cases were appealed through the Disciplinary Review Board process.
- 2013 v. 2014 Statistics: See Appendix 1

III. Data Collection and Reporting

For many years, OPA used the case management and data collection system, AIM (Administrative Investigations Management). In May of 2014, OPA began using a new case management system, IAPro. The data fields in the two systems are not identical and the process for capturing data within OPA's work flow is dissimilar. OPA developed new data entry protocols and processes for IAPro which were implemented and continuously improved over the course of 2014. The data in this report does include inconsistencies due to data entry differences between AIM and IAPro, as well as unstable data entry processes in the past. Going forward, as data collection and reporting processes become stable and capable with IAPro, OPA's ability to report statistics and trends will improve.

IV. Management Action Policy Recommendations

In 2014, the OPA Director recommended that four allegations be Not Sustained – Management Action. Below are the OPA Director's recommendations from each case, as well as the status of SPD's implementation of those recommendations, as provided by the Chief in April, 2015. The Director's letters of recommendation and full responses provided by the Chief are available on OPA's website.

1. As a result of an investigation into an anonymous complaint regarding excessive overtime spending in the Department's training unit, the OPA Director issued a special report detailing the investigation, "Recommendations for Management Action" (available on OPA's website) and made three recommendations:

- a. That steps are taken to ensure that adequate leadership, management oversight, supervisory control, and robust procedures are in place to enforce budget compliance, control overtime spending and align employee efforts with the goals and mission of the Department. This should begin immediately within the Education and Training Section (ETS), but extend to all of SPD as soon as possible.
- b. That the Chief of Police formally invites the City Auditor to conduct an audit of the ETS, along with recommendations for systematic improvements, if appropriate.
- c. That the Chief of Police implement without delay those recommendations made by the City Auditor that will reasonably be expected to improve the effectiveness and accountability of the ETS.

SPD Implementation Status: ACCEPTED – IMPLEMENTATION IN PROGRESS

SPD implemented SeaFin, a bi-weekly financial health meeting for the organization. Using available data, this process allows executive oversight of spending on a close to real-time basis. Every Captain and above has been trained in Summit, the accounting software for the Department. This allows commanders to search and analyze their overtime spending as well as their operational expense budget. Captains are also provided monthly summaries of where they stand in relation to their overtime budgets.

Chief O'Toole requested that the City Auditor conduct an audit of the Education and Training Section as well as all overtime expenditures for the SPD. As of April, 2015, these audits are still on going.

2. One case brought to light the need for improved training, clearer guidelines and increased supervision with respect to the use of photo line-ups (photomontages) in identifying criminal suspects. The Director recommended that SPD establish a policy and clear set of procedures to govern the use of live and photographic "line-ups" used for the purpose of identifying persons involved in criminal activity. Broad research into best practices and consultation with national experts on the topics should precede the development of this policy and these procedures. Furthermore, it was recommended that specific training in the understanding and use of this policy and these procedures be given to all new detectives and detective supervisors, as well as to all existing detectives and their supervisors on a regular and refresher basis. Given the risk and ramifications of an innocent person being misidentified as having been involved in a crime, this policy and these procedures must be strictly enforced and closely followed.

SPD Implementation Status: ACCEPTED – IMPLEMENTATION IN PROGRESS

APRS is drafting a policy (SPD Manual 15.170), which is currently under internal review with subject-matter experts. Chief O'Toole requested the policy cover live and photographic line-ups, and also provide direction on show-ups and identifications that occur out in the field. Training will presumably follow the implementation of this new policy.

3. An investigation into a Type 2 Use-of-Force case evidenced that scheduled and unscheduled absences from work by supervisors and management present a significant impediment to the timely completion of chain-of-command reviews of use of force incidents. In more than one case, OPA, along with the Force Review Board and members of the Monitoring Team, have noted that the review process comes to a halt for days or even weeks while a supervisor or manager is absent from work (e.g., vacation, sick leave, training, etc.). The Director recommended that SPD make the necessary process changes to ensure that pending

force reviews are either completed before a supervisor goes on leave or, in the case of an unplanned absence of a supervisor, are conducted by another supervisor of the same rank.

SPD Implementation Status: **ACCEPTED – IMPLEMENTATION IN PROGRESS**

SPD has drafted an updated Use-of-Force policy (currently under review by the Monitoring Team and the Department of Justice), which addresses the timeliness issue. The requirement will apply to all reviewers of force (e.g., FIT), not just the chain of command.

4. Investigation into a case pointed out the need for the Department to improve its methods and processes for ensuring that SPD officers appear in court as required by subpoena. In particular, it appears that SPD processes do not adequately notify supervisors in a timely fashion when employees fail to appear as witnesses in court.

SPD Implementation Status: **ACCEPTED – IMPLEMENTATION IN PROGRESS**

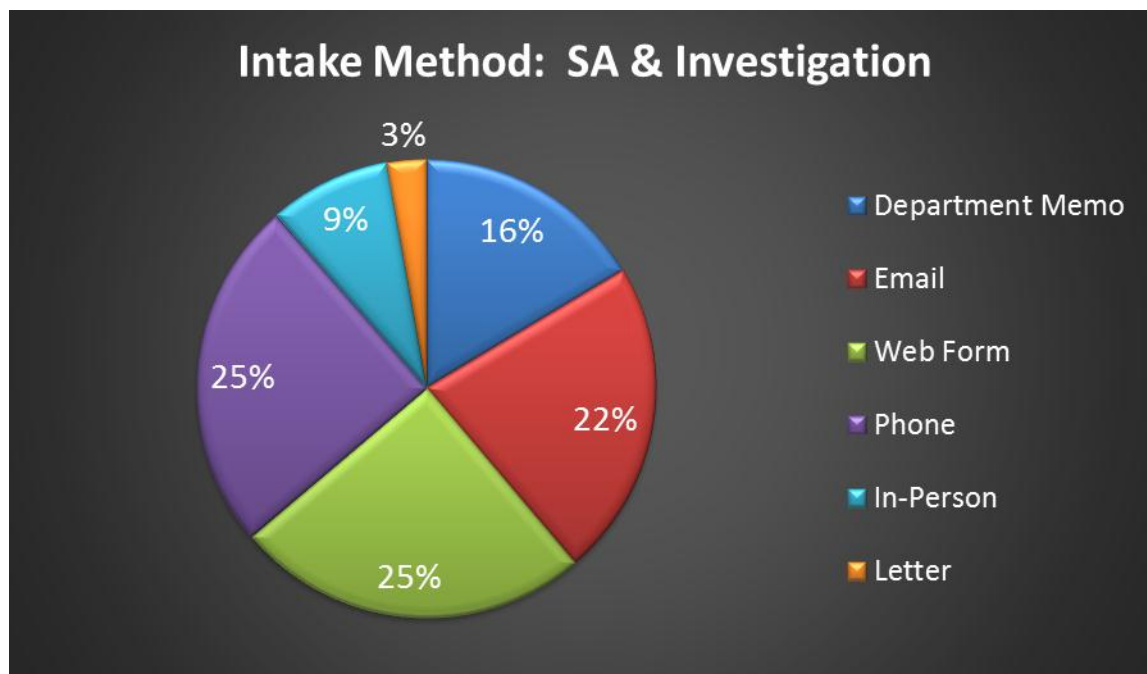
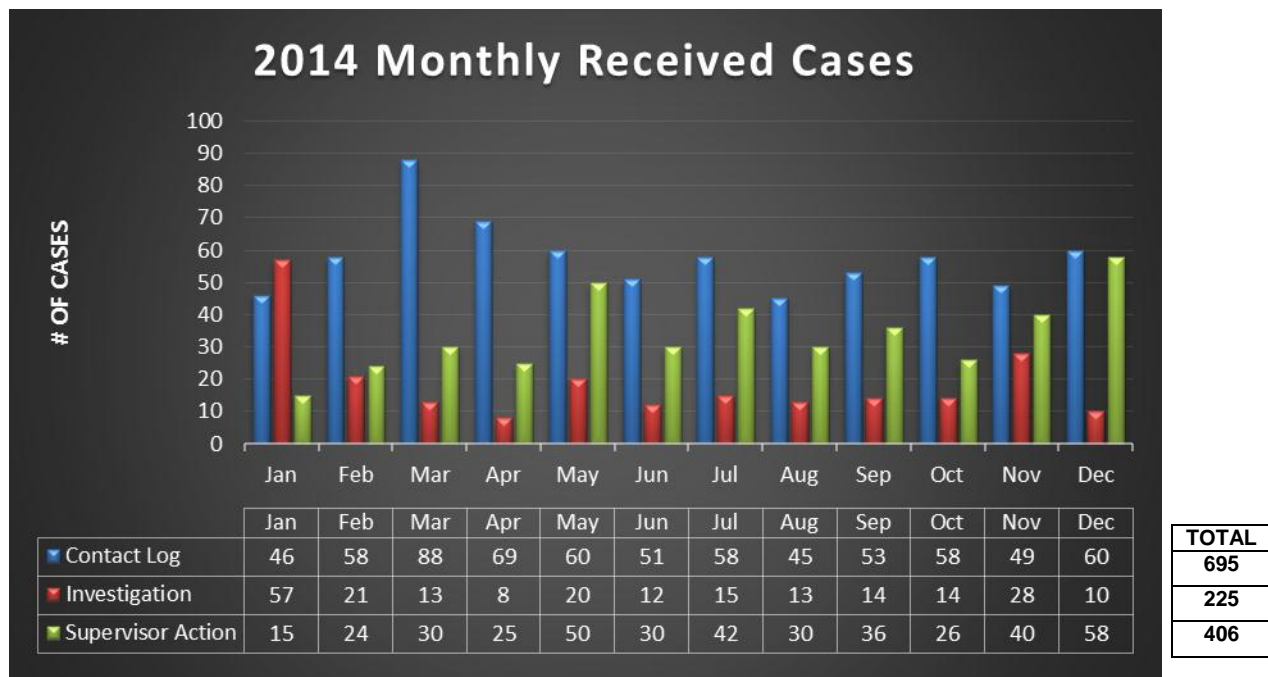
The Legal Unit and IT are developing a “Legal Track” system for subpoenas received by the Department. The system will generate automated emails to inform the officer of a subpoena; if no acknowledgment is received, a second email to the officer and supervisor will be sent, and lastly, the Legal Unit will follow up via telephone if needed. Court coordinators will also receive an email reporting weekly on expected court appearances and the opportunity to indicate any missed appearances. APRS and the Legal Unit are revising SPD Manual 5.190, Court Appearances and Legal Proceedings, which is out of date.

V. Settled or Overturned Cases

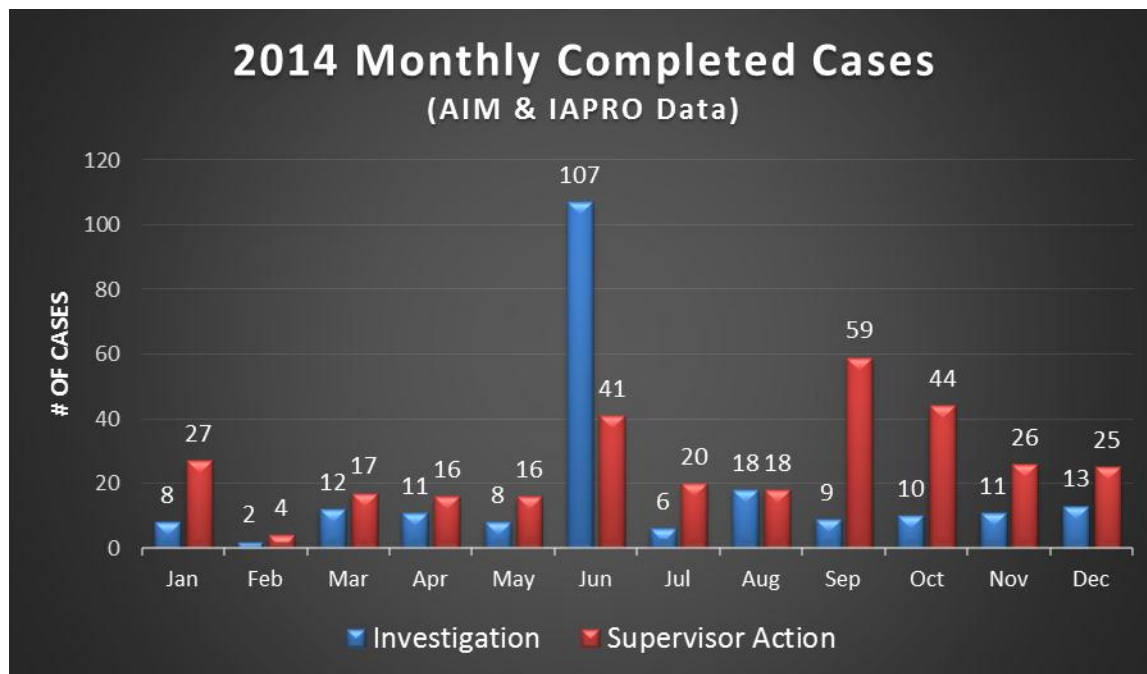
There were six cases settled in 2014 for which one or more Sustained findings were changed. Two cases were investigated in 2010, one case in 2011 and three cases in 2012.

OPA Allegation	Changed Finding
Violation of Rules/Regulations and Failure to Take Action	Training Referral
Collisions Involving City Vehicles	Training Referral
Failure to Take Action	Training Referral
Violation of Rules/Regulations	Training Referral
Unnecessary Use of Force	Unfounded
Unnecessary Use of Force	Inconclusive; The sustained finding was removed from the employee's file.

A. OPA Case Statistics

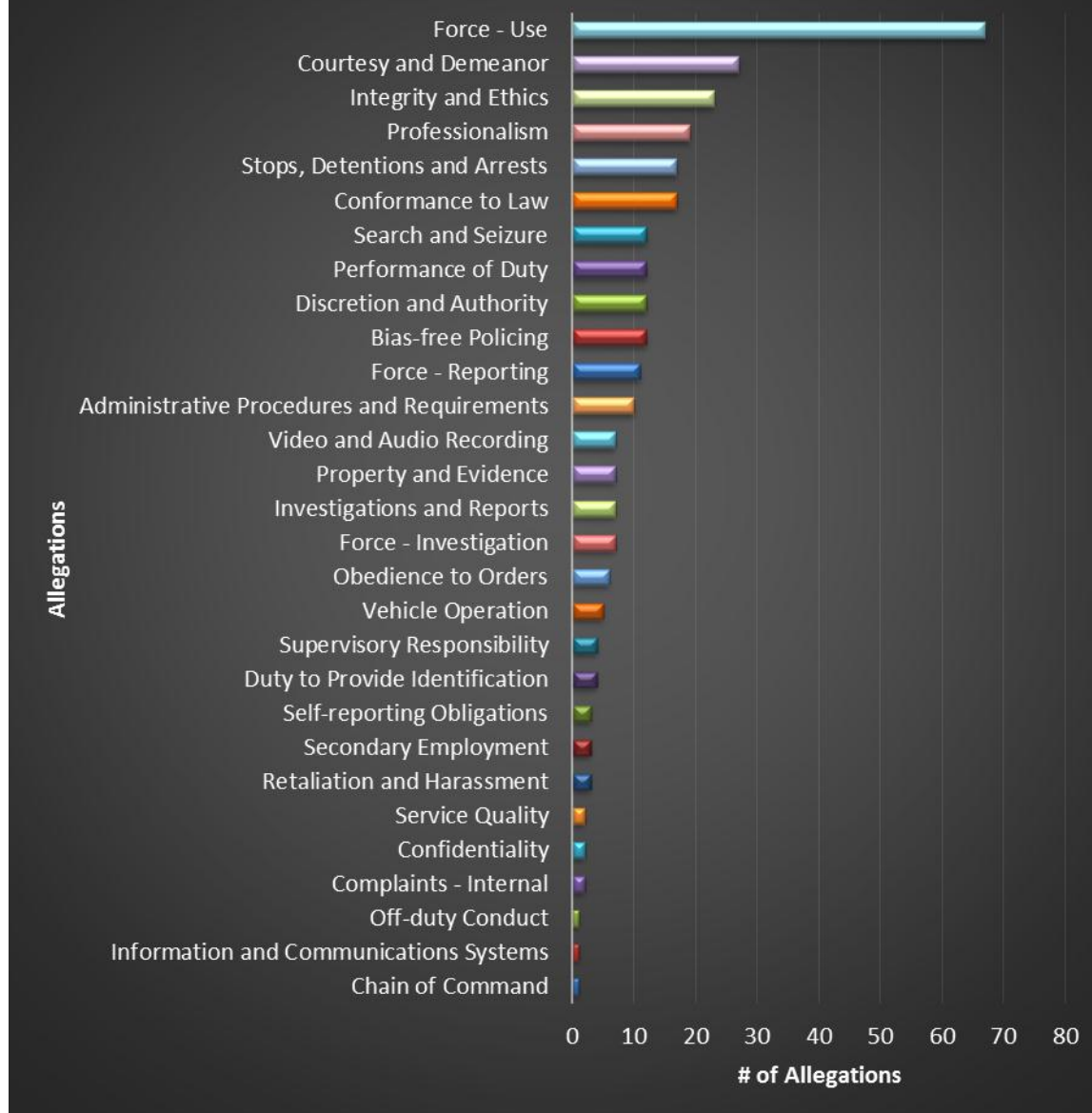


“Department Memo” indicates a complaint made by an SPD employee via a memo sent to OPA. Two Complaints were received via fax.



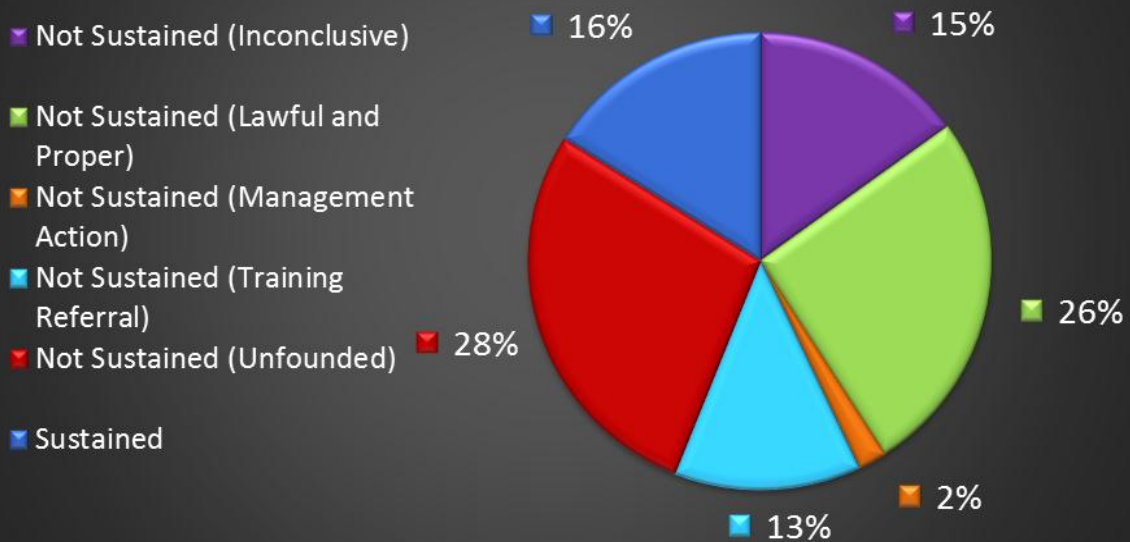
Total:
 Investigation 215
 Supervisor Action 313

Investigations Received in 2014: Allegations (IAPRO Data Only - 126 Cases)

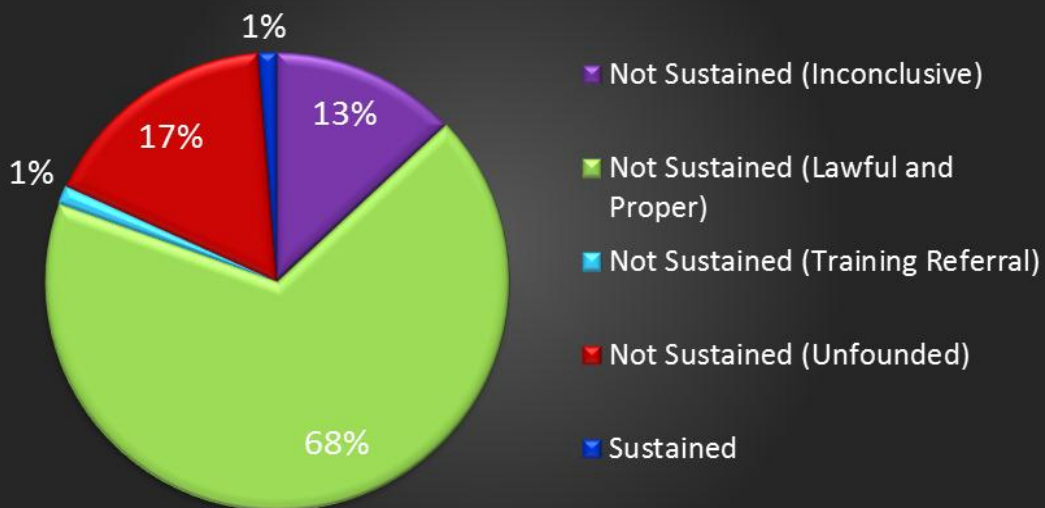


This data includes allegations received during the period of May – December, 2014 collected in IAPRO. The previous case management database did not capture allegations using the same index.

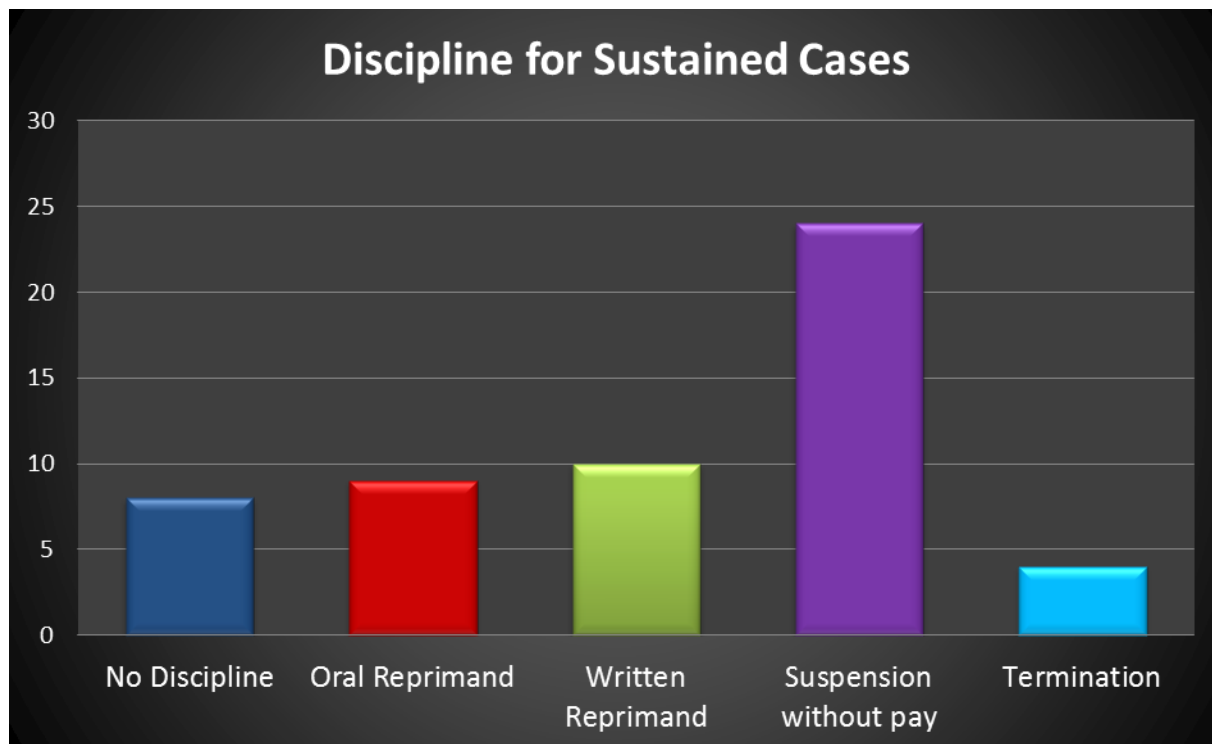
Investigation Findings



Use of Force Findings



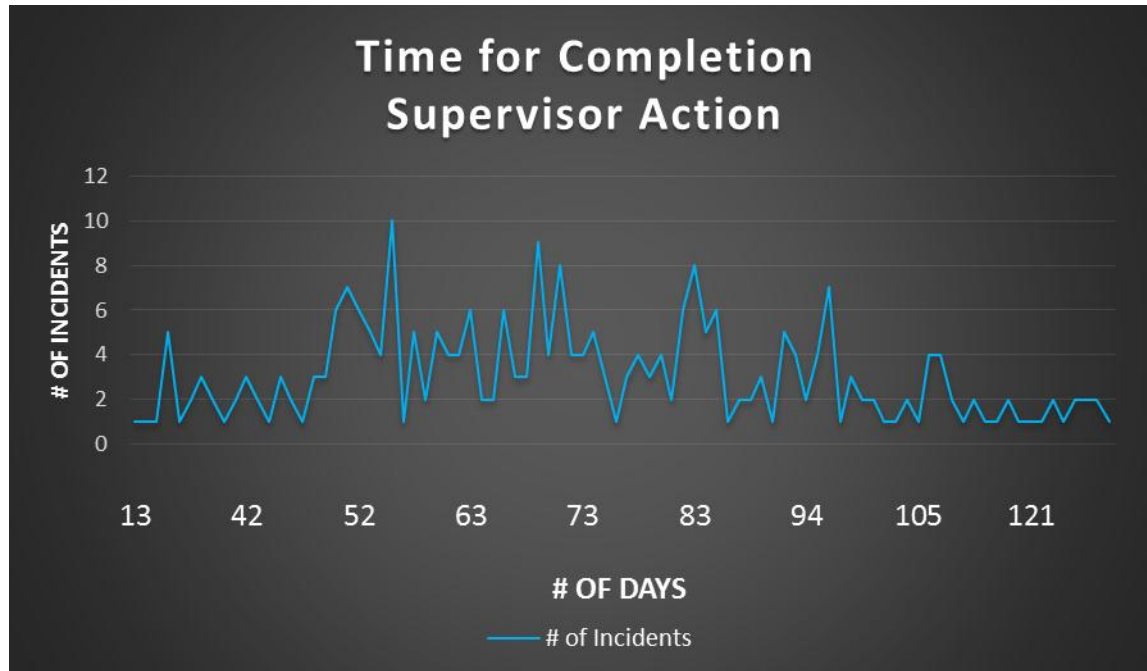
Cases with allegations of Use of Force often include several officers and, therefore, several allegations within one case. Often times, several officers are at one incident of use of force.



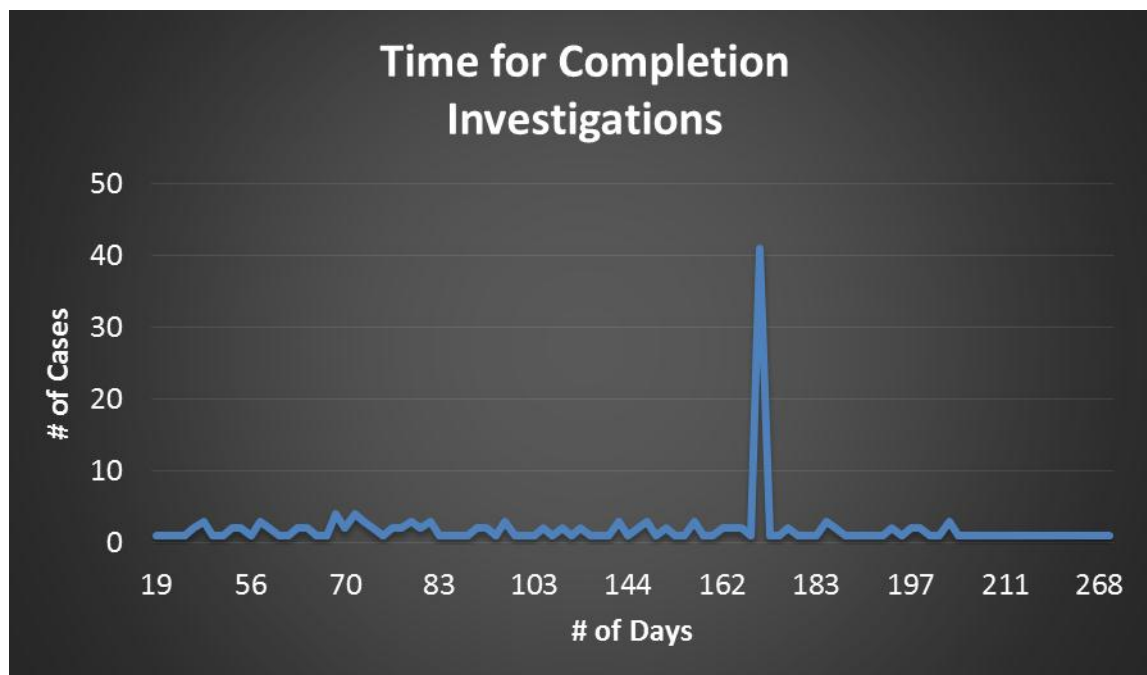
One employee was named in two cases for which the sustained finding resulted in termination. There were eight cases which were sustained, but for which no discipline was imposed:

Sustained Without Discipline
No discipline could be imposed as the case was concluded past the 180-day deadline.
No discipline imposed due to actions and direction given by Chain of Command since the time of the incident.
No prior disciplinary actions on record; counseled by supervisor.
The employee retired prior to conclusion of the investigation.
Employee no longer worked for the Department when the case was completed.
The employee retired prior to conclusion of the investigation.
The employee was assigned additional training on domestic violence investigations and report writing.
Additional training to be provided.

B. Time For Completion of Cases



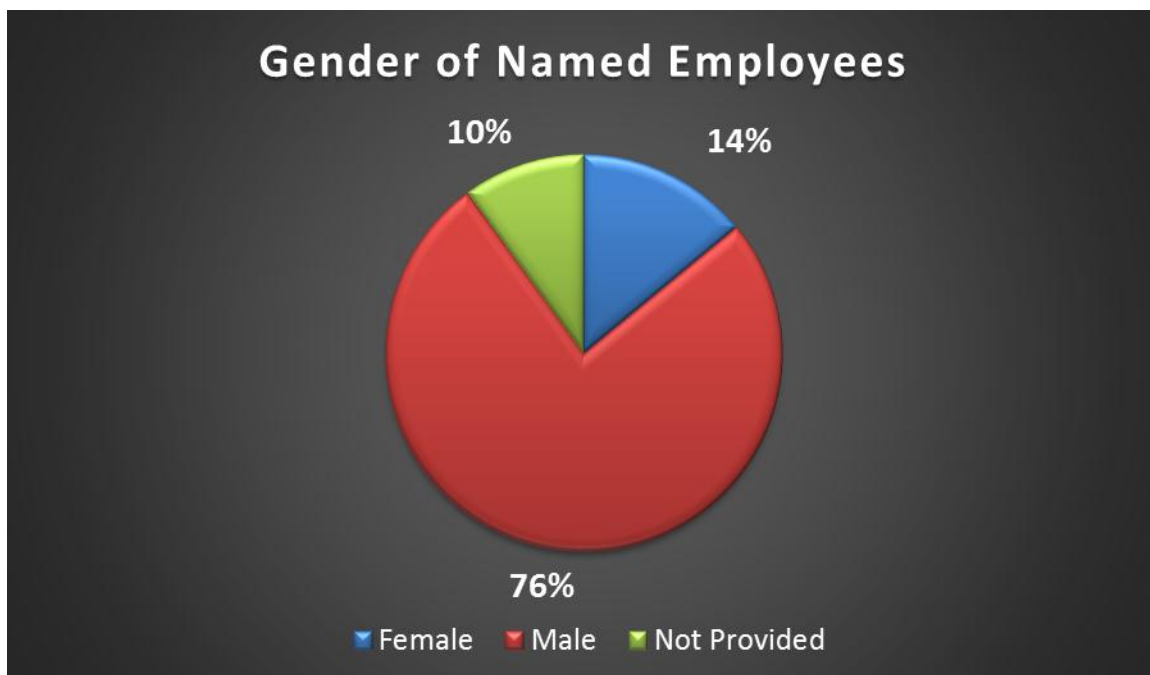
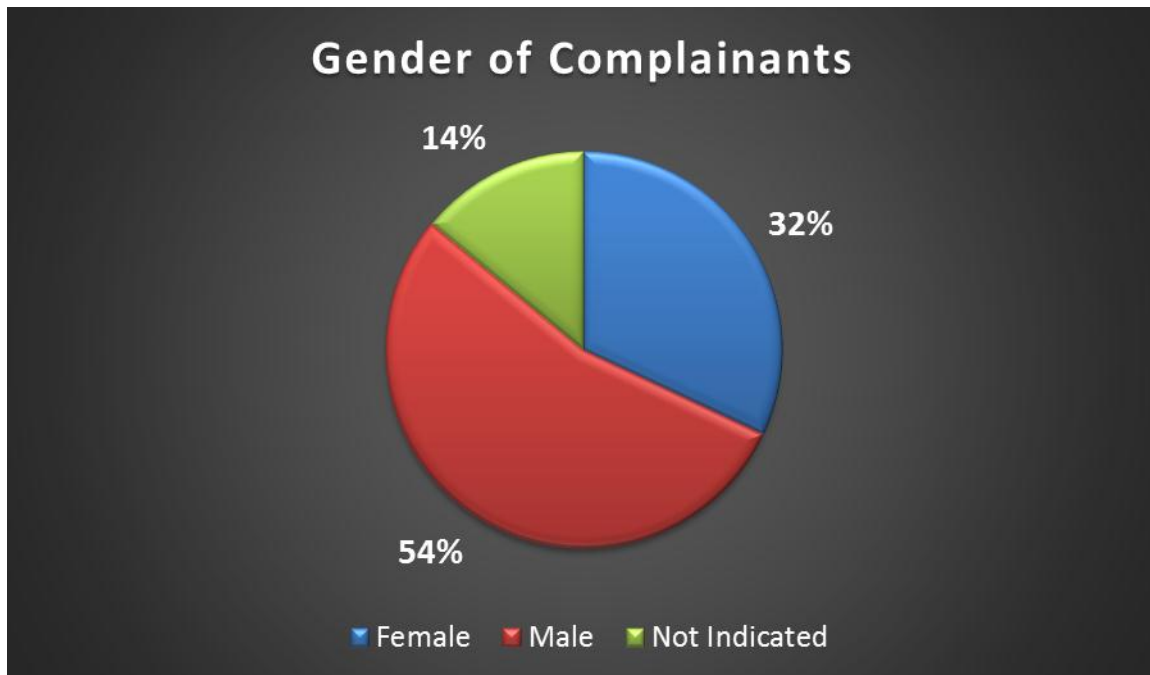
OPA's goal is to review and process Supervisor Action cases within 30 days. OPA then sends the case to the named employee's Chain of Command, who has 30 days to complete the actions as directed by OPA. This completion time will be improved in the future by using IAPro to track SA's that have been sent to the Chain of Command, but have not been returned within 30 days.



There are 41 cases which took 171 days to complete. This is explained by the contractual deadline for cases in which discipline may be imposed, which is 180 days.

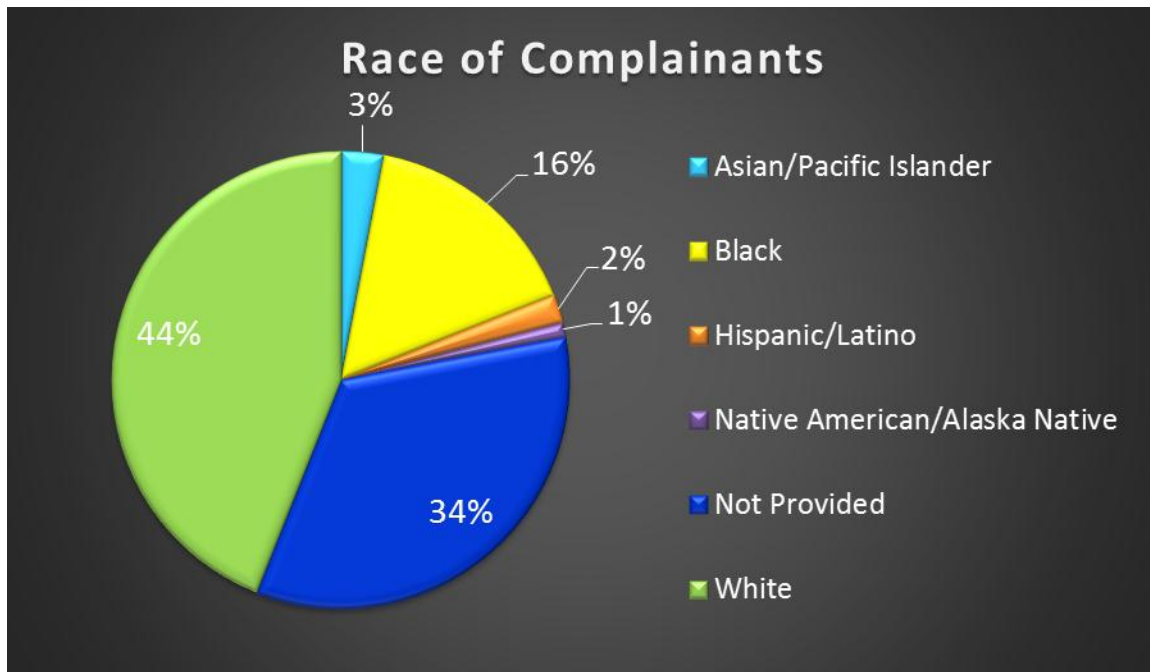
C. Demographics

The data reflected in this section include complaints classified as Supervisor Action and Investigations.

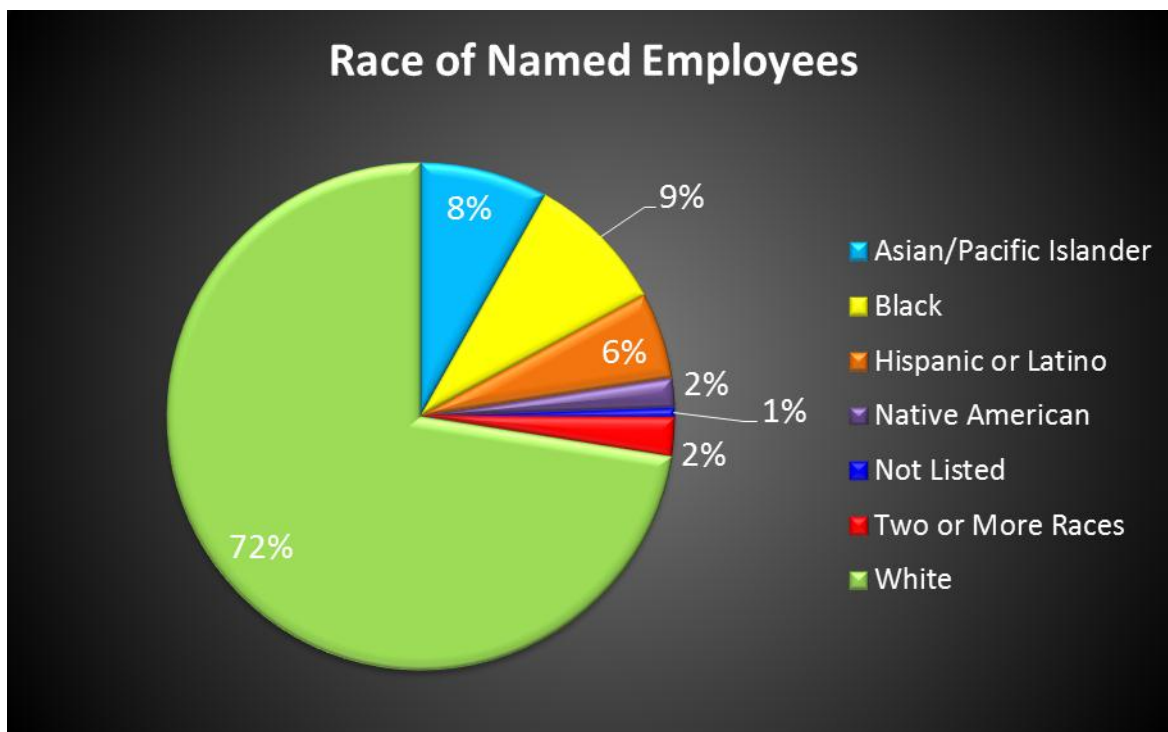


This includes cases in which the officer was unknown.

As of April 2015, the Seattle Police Department employees were 29% Female and 71% Male.

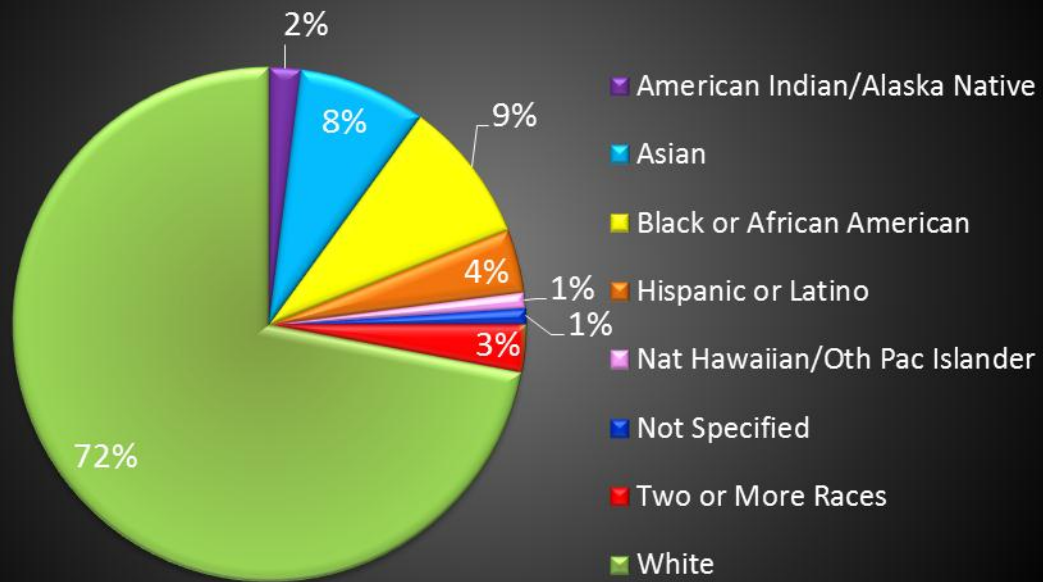


The race of complainant data does not include complaints made by an SPD employee.



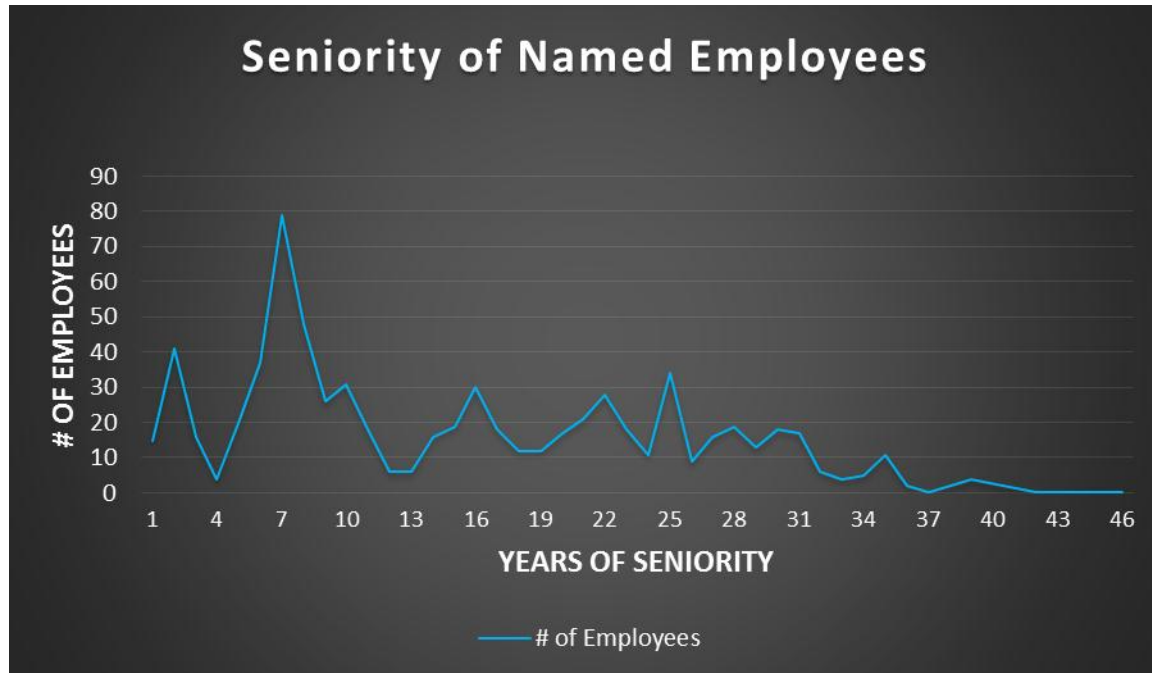
Race of All SPD Employees

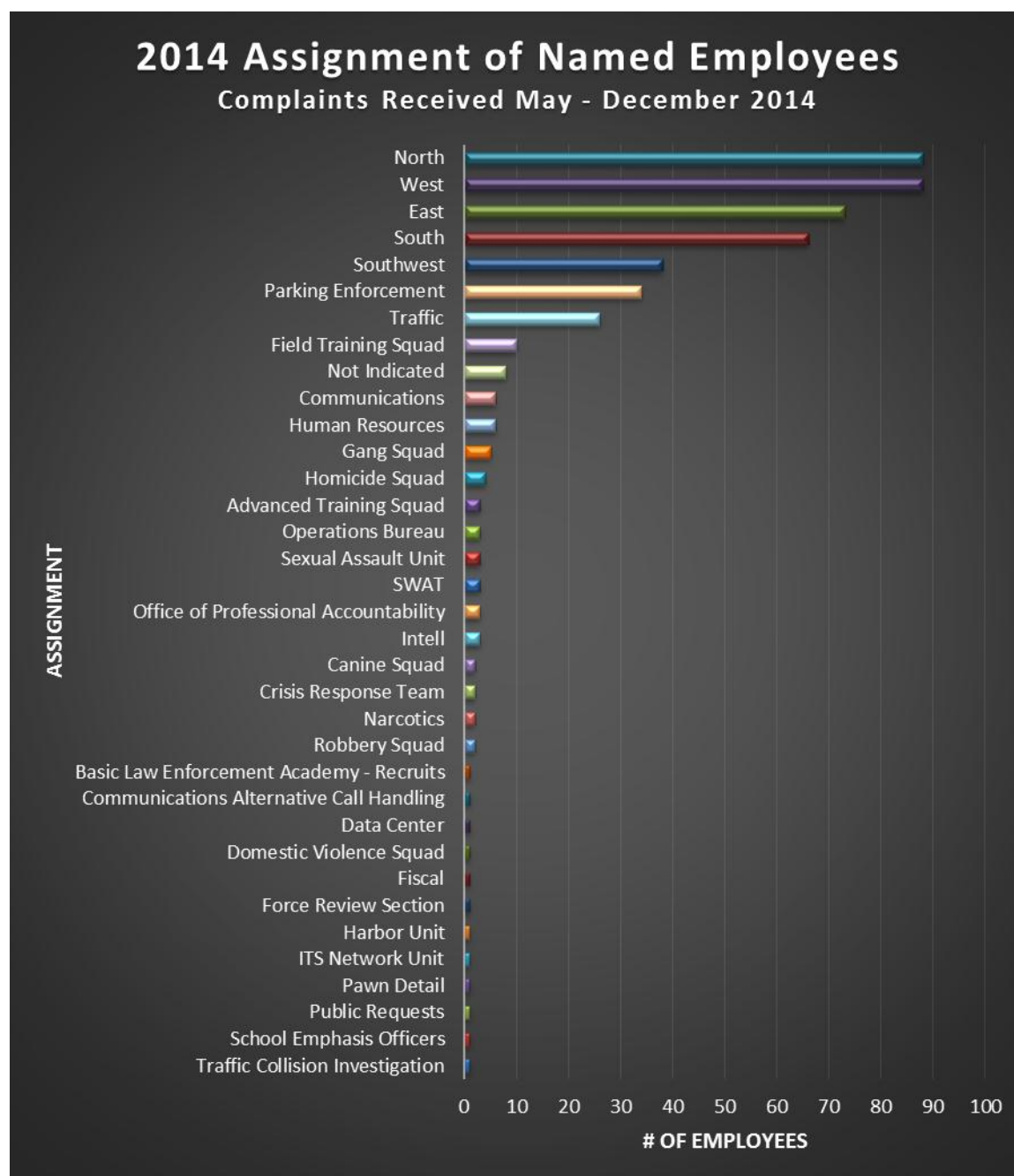
(as of April 2015)



D. Employee Seniority and Assignment

The data reflected in this section include complaints classified as Supervisor Action and Investigations.





This data includes named employees assigned for complaints received during the period of May – December, 2014 collected in IAPro. The previous case management database did not correlate or extract data from the SPD Human Resources systems.

APPENDIX 1

2013 v. 2014 Statistics

In 2014, OPA expanded its data reporting and analysis. The comparisons below reflect data available in both 2013 and 2014.

Received	2013	2014
Contact Log	681	695
Investigation	190	225
Supervisor Action	337	406
Total	1208	1326

Completed	2013	2014
Supervisor Action	325	313
Investigation	165	215
Total	490	528

Findings	2013	2014
Sustained	16%	16%
Unfounded	28%	28%
Lawful and Proper	24%	26%
Inconclusive	19%	15%
Training Referral	13%	13%
Management Action	N/A	2%

Intake Method	2013	2014
Department Memo	7%	16%
Email	16%	22%
Web Form	30%	25%
Phone	32%	25%
In-Person	10%	9%
Letter	4%	3%
Fax	1%	<.05%

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

Complainant Race	2013	2014
Asian/Pacific Islander	4%	3%
Black	15%	16%
Hispanic/Latino	2%	2%
Native American/Alaska Native	1%	1%
White	50%	44%
Not Provided	28%	34%