



**Seattle Office of  
Inspector General**

## **2021 Annual Report**

December 16, 2022

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## Letter from the Inspector General

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Emerging from 2020, the Office of Inspector General for Public Safety (OIG) continued to face challenges related to the COVID-19 pandemic and sustained community unrest about racial injustice and police violence. In addition to planned projects, OIG took on a number of efforts related to reviewing SPD's response to the 2020 protests, which required reprioritization of our work. Out of those challenges, OIG was able to create the Sentinel Event Review—a first of its kind, community centered review process for events of concern to community, release significant audit projects, and re-envision, rebuild and grow OIG operations. 2021 proved to be a pivotal year for OIG to assess our capability to respond to a large-scale crisis in local policing, and to critically assess our own work, learn from our challenges, and embrace growth.

These are some highlights of the work accomplished by the fantastic team at OIG:

- In January 2021, OIG initiated a Sentinel Event Review of the 2020 protests. The review panel, which consisted of community members and SPD officers, identified situational and systemic factors contributing to each incident, then generated recommendations to address systemic issues within SPD. The first report was published in July 2021, with meetings continuing throughout the year as the panel worked through “waves” of protest incidents.
- OIG released audits of SPD disciplinary procedures and secure firearm storage in SPD facilities, highlighting areas of concern and opportunities for improvement.
- OIG continued the critical work of certifying investigations of alleged misconduct conducted by the Office of Police Accountability—certifying 212 cases.
- OIG worked in collaboration with experts, local stakeholders, and SPD, to issue recommendations to SPD including deprioritizing certain low-level traffic stops and the implementation of dialogue policing.

Our work would not be as impactful or robust without strong relationships and collaboration with community partners and stakeholders. OIG is committed to continuing to facilitate difficult conversations between community and SPD to address community concerns and systemic issues of bias and institutional racism and will continually seek and incorporate community perspective in the process.

I look forward to continued collaboration and work with the community and SPD to increase public trust and police accountability in Seattle.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Judge".

Lisa A. Judge  
Inspector General for Public Safety



## Chapter 1: INTRODUCTION

The Office of Inspector General for Public Safety (OIG) is charged with systemic oversight of the Seattle Police Department (SPD) and Office of Police Accountability (OPA). In 2021, this work included continued review and audits of SPD policies and practices, including its actions during the 2020 protests, as well as certification of OPA investigations into alleged officer misconduct.

### Annual Report Requirements

The OIG is required to produce an annual report describing our work, accomplishments, challenges, and priorities. This includes audit and policy work with the Seattle Police Department (SPD) and the Office of Police Accountability (OPA), recommendations developed through OIG projects, and evaluation of the extent to which the accountability entities, including SPD, are fulfilling their charges under the Accountability Ordinance. The report includes review of trends in inquests, claims and lawsuits alleging SPD misconduct, reviews of successful practices in other jurisdictions including any recommendations for the mix of OPA sworn and civilian staff, and explanation of OIG review of the OPA complaint-handling system (See Appendix A for the full requirements).<sup>1</sup>

Report requirements are addressed in the following chapters:

- **Strategic Leadership** – strategic work performed by the Inspector General to further the department mission, represent the expertise of OIG in stakeholder activities, and participate in Consent Decree sustainability efforts in preparation for the future OIG sustainment role.
- **Audits** – audits and assessments performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) and reviews guided by GAGAS principles.
- **Policy Work** – policy and research for innovation and improvement informed by best practices and advancements from other jurisdictions, including major special projects that further the Inspector General’s vision for accountable policing.
- **OPA Review** – review and certification of OPA complaint-handling and the OIG complaint intake system.

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<sup>1</sup> OIG is organized into three functional work areas with staff tasked with audits, policy and best practice research, and investigations (see Appendix B for OIG organizational chart). As a small department, office staff are frequently cross-trained and able to assist on cross-disciplinary projects where needed.



## **Chapter 2: STRATEGIC LEADERSHIP**

### **Highlights**

Strategic leadership efforts at OIG involve guiding project priorities to further public trust and providing effective systemic oversight of SPD and OPA. In 2021, OIG leadership continued to focus on the needs and concerns that arose during 2020, and prioritized projects that could advance racial and social justice in the community. OIG monitored SPD use of force and actively collaborated with the City, Court Monitor, and other stakeholders to chart a sustainable path forward for accountable policing.

### **Leadership and Collaboration**

OIG leadership continued to engage in strategic planning and conversation with stakeholders on the future of policing, operations during and after the Consent Decree, and ongoing on-site presence and monitoring of SPD administrative investigations of significant uses of force. Such collaborations included:

- Quarterly collaboration meetings between OIG, Community Police Commission (CPC), Office of Police Accountability (OPA), and SPD leadership to provide strategic coordination and monitoring of accountability recommendations from all oversight entities.
- Consent Decree sustainment meetings with partners to discuss SPD policies and planned sustainment assessments.
- Reports to Council at public committee meetings and responding to Council requests related to police protests and implementation of local ordinances related to the use by SPD of surveillance technologies.
- Participation in the City of Seattle state legislative agenda efforts.
- Regular meetings with SPD management and leadership.
- Community meetings and forums.
- Regular meetings with American Civil Liberties Union (ACLU) leadership.



Collaborative work was undertaken in 2021 on several long-term projects that required participation from SPD and other community groups. This work included:

- Continuation of the Sentinel Event Review (SER).
- Development of dialogue policing models for facilitation of public demonstration events<sup>2</sup>.
- Commissioning of a crowd psychology analysis of police response to 2020 protests.
- Deprioritization of minor traffic stop offenses.
- Continuation of training with SPD and OPA on effective interviewing techniques using the PEACE model.

OIG maintained its partnership with community leaders, organizations, and members of SPD for the SER, which published its first reports in 2021 and continued into 2022. OIG is committed to using this process to improve facilitation of first amendment activity in Seattle and give a voice to the City's diverse community in speaking out about historical racism and violence in policing.

In conjunction with the SER, OIG leadership partnered with Professor Clifford Stott, Professor of Social Psychology and Dean of Research at Keele University in England, to conduct an analysis of the early stages of the 2020 protest events. An understanding of crowd psychology, and how it can be used by police to de-escalate tense situations, is vital to ensuring the safety of the public and police during crowd events, while safeguarding constitutionally protected rights and freedoms.

OIG leadership worked collectively with SPD and Seattle Department of Transportation (SDOT) to deprioritize traffic stops for minor or civil offenses and explore alternatives to roadway safety. The disparate impact these traffic stops have on marginalized communities and people of color, as well as general safety for the public and officers, were the focus of these efforts. These projects are discussed in greater detail in Chapter 4: Policy Work.

## Use of force oversight

The accountability ordinance specifically charges OIG with reviewing SPD handling of serious uses of force. OIG reviews force by various means, including on-scene IG presence at officer-involved shooting investigation scenes, presence during SPD internal use of force reviews, OIG audits, OIG review and certification of OPA investigations of allegations of

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<sup>2</sup> OIG coordinated and facilitated the exchange of experiences and lessons learned on dialogue-based policing from the United Kingdom, Sweden, and Korea.



officer misconduct, and IG technical assistance to SPD and the accountability partners on force-related matters.

The IG and/or her designee responds to investigation scenes of significant uses of force, such as officer-involved shootings, to provide independent observation of the unfolding investigation and ensure the scene is managed according to policy and accepted investigative protocols. Having civilian observers adds a layer of transparency to SPD operations to promote public trust and address community concern. It also provides an opportunity for real-time civilian feedback and the ability to ask clarifying questions on issues of potential importance to the community.

In 2021, OIG leadership continued to attend Force Review Board (FRB) meetings virtually and provide ongoing feedback regarding FRB functioning. FRB provides critique of and insight into SPD uses of force. Conversations about ongoing refinement of the FRB process occur regularly and SPD has been a willing and eager partner in striving to enhance and streamline the FRB review process. In 2021, OIG facilitated the review of the actions by SPD during the mass demonstrations between May 29<sup>th</sup> and June 8<sup>th</sup>.<sup>3</sup> This analysis performed by a panel made of community, SPD and OIG personnel provided a systemic review of Use of Force during mass demonstrations and provided guidance and recommendations to SPD.

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<sup>3</sup> Sentinel Event Review (SER), project described in Chapter 4: Policy.



## Chapter 3: AUDITS

### HIGHLIGHTS

OIG released three reports in 2021: an Audit of Disciplinary Procedures for SPD sworn personnel, an Audit of SPD Secure Firearm Storage, and a non-audit review of COVID-19 Masking Compliance by SPD member.

### Audit Standards and Practices

OIG follows the Generally Accepted Government Auditing Standards (GAGAS) set by the United States Government Accountability Office. These standards contain requirements for how the OIG auditors perform their work, including independence, objectivity, standards of evidence, and reporting.

Sometimes, OIG completes non-audit reviews, including alert letters, when full compliance with GAGAS is not feasible. The decision to issue a non-audit review may be made due to external time constraints or urgency of an issue. In all cases, OIG follows the same evidence and quality control standards it would apply to its audit products.

### Recommendations and Follow-Up

OIG issues recommendations as part of its audit work and periodically follows up on the status of these recommendations. After SPD reports it has implemented a recommendation, OIG conducts validation testing before closing the recommendation.<sup>4</sup>

OIG may also issue suggestions or matters for consideration—implementation is monitored, but not subject to validation testing.

<sup>4</sup> OIG delayed most recommendation follow-up activities in 2022 due to staffing constraints.

### About Audits

*OIG conducts performance audits and reviews of SPD to determine the health of department systems and processes. Topics are selected based on an assessment of risk that considers the impact of a potential issue and likelihood of a system problem. OIG deploys a wide variety of methods, including interviews, data analysis, and best practices research to assess whether SPD is delivering “constitutional, professional, and effective police services consistent with best practices...in a way that reflects the values of Seattle’s diverse communities.”*



As an additional layer of accountability, the Community Police Commission collects information about recommendation status on a quarterly basis from the accountability partners and publishes the information in its online tracker.

## **Completed Audits**

### **Audit of Disciplinary System for SPD Sworn Personnel (November 2021)**

This audit was intended to provide a better understanding of how the disciplinary system for SPD sworn personnel currently operates, and the impacts of that system on individual officer accountability, as well as community members affected by police misconduct.

Within the scope of this audit OIG did not observe major issues that would be harmful to accountability or public trust (e.g., a pattern of arbitrators overturning discipline or a chronic failure to address repeated misconduct). However, current practices, coupled with CBA provisions, create gaps in the discipline system. These collectively impact the timeliness, fairness, consistency, and transparency of discipline for individual officers, and diminish transparency and fairness for community members affected by police misconduct.

Key findings, recommendations, matters for consideration, and descriptive findings were:

1. **Proposal and Determination of Discipline:** The process for recommending and determining discipline is generally consistent and timely, however steps can be taken to increase the transparency and fairness of the process for complainants.
2. **Accountability for Minor Violations:** Use of the “Not Sustained Training Referral” designation combined with CBA recordkeeping restrictions have created a gap in accountability for minor violations of policy.
3. **Enforcement of Discipline:** Suspensions are not consistently served in a timely manner, in some cases mitigating the financial impact of discipline.
4. **Disciplinary Records:** A significant number of disciplinary actions were not documented in personnel folders, potentially impacting public records requests and employment checks.
5. **Communicating Case Resolution to Complainants:** Lapses in OPA processes resulted in complainants not receiving relevant updates on case status and resolution, as required.
6. **Arbitration and Alternatives:** The PSCSC does not provide a significantly different standard of review from SPOG arbitration and currently lacks the capacity to



function as the sole route of appeal, as was envisioned in the 2017 Accountability Ordinance.

7. SPOG Arbitrator Selection: SPOG grievances have largely not reached arbitration under the current CBA, so arbitration could not be fully evaluated. However, weak controls related to arbitrator selection as provided in the CBA do not ensure fairness, consistency, transparency, or timeliness.

OIG made 11 recommendations to address the report findings. SPD agreed to implement five of six recommendations with one left unspecified since it would require bargaining with affected unions. OPA agreed to implement four of four recommendations, and PSCSC agreed to implement one recommendation directed to it.



**Table 3.1: Status of Recommendations from Audit of Disciplinary System for SPD Sworn Personnel**

Recommendation	Current Reported Status
<p>1. The OPA Director, in consultation with the Chief of Police, should develop criteria to more consistently identify opportunities for complainants to speak with the Chief of Police as provided in the Accountability Ordinance 3.29.125 (G).</p>	<p><b>Open.</b> OPA reported preliminary discussions with Council and SPD about this process. OPA also reported hiring a Complaint Navigator who would be involved in creating and implementing process. OPA updated the estimated implementation date to Q3 2022.</p>
<p>2. SPD should design or modify the means of memorializing Sustained and Not Sustained Training Referrals in a way that:</p> <ul style="list-style-type: none"> <li>a. Centralizes documentation of all Training Referrals, Supervisor Actions, Minor Violations of Policy, and any other performance coaching delivered by the Chain of Command, and</li> <li>b. Makes such documentation available for independent access by supervisors</li> </ul>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Underway, estimated date of implementation: Q1 2022.</p>
<p>3. SPD should ensure the process by which suspensions are ordered and served meets the following criteria:</p> <ul style="list-style-type: none"> <li>a. All suspension orders are reviewed and approved by the Executive Director of HR or an Assistant Chief prior to being served, and</li> <li>b. All suspensions are served as soon as feasible with consideration for relevant collective bargaining provisions and emergency operational needs.</li> </ul>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Underway, estimated date of implementation: Q1 2022.</p>
<p>4. SPD should prohibit the accrual of overtime for employees who have not completed ordered suspensions.</p>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Estimated date of implementation: Not specified, would require bargaining with affected unions and would be a labor policy decision.</p>



<p>5. SPD should audit and rectify disciplinary documentation for all current sworn personnel and sworn personnel who have been separated since 2018 and provide the results of this process to OIG.</p>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Estimated date of implementation: Q2 2022.</p>
<p>6. SPD should design and implement controls for the contents of personnel folders to track the insertion and removal of documentation.</p>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Estimated date of implementation: Q1 2022.</p>
<p>7. SPD should design or modify processes to produce and store relevant WSCJTC, LEOSA, and Special Commission documentation in personnel folders in accordance with Accountability Ordinance requirements.</p>	<p><b>Open.</b> Unchanged since SPD management response in November 2021. Estimated date of implementation: Not specified.</p>
<p>8. OPA should define an internal deadline in its manual for sending CCS to applicable complainants.</p>	<p><b>Closed.</b> OPA revised their manual to reflect that they will close not-sustained cases within 30 days after the DCM, when feasible.</p>
<p>9. OPA should examine cases with pending or resolved appeals where complainants were not notified of the appeal and determine if notifications should be made.</p>	<p><b>Closed.</b> OPA reported a decision not to send notification to complainants in cases where the appeal was filed prior to 2019.</p>
<p>10. OPA should create criteria for identifying and notifying individuals of the creation and resolution of a case in which they were not complainant but were directly involved in the capacity of a complainant.</p>	<p><b>Open.</b> OPA reported ongoing training for OPA staff, but notes a more detailed set of criteria is still needed. OPA updated the estimated implementation date to Q3 2022.</p>
<p>11. The PSCSC should adopt rules for identifying and addressing conflicts of interest for Commissioners hearing disciplinary appeals.</p>	<p><b>Open.</b> Unchanged since PSCSC management response in November 2021. Estimated date of implementation: Work beginning in 2022, implemented before 2023.</p>



## **Audit of Secure Firearm Storage in Training Facilities (August 2021)**

OIG began an audit of the firearm storage in SPD training facilities at the request of former Chief Carmen Best after an incident in October 2019 when an SPD officer's personal firearm was stolen from an SPD training facility during training of a group of 14-to-21-year-old participants in the Seattle Police Explorers Program. The resulting SPD investigation found that an 18-year-old program participant had taken it and later discarded it. Investigators recovered the firearm from the roof of a building on October 11, 2019.

OIG issued two findings summarized below:

1. Firearm storage options in SPD training facilities have physical vulnerabilities. Two of the options depend on single padlocks to secure all the firearms stored inside, meaning that if they padlocks are inadvertently not used, left unlocked, or the keys are not secured, anyone accessing the Annex I storage cabinet or the Annex II storage room would be able to access all the firearms inside.
2. Firearm storage policies and procedures may not be consistently communicated or monitored to ensure they are being followed. SPD Education and Training Section did not have written procedures for the secure storage of firearms prior to the audit. There was no formal policy or unit manual, and the SPD Manual did not appear to include any requirements for safe firearm handling and storage. Finally, the Education and Training Section was not always notified when other units used the training facilities and may not have been able to provide proper safety support.

OIG made six recommendations, and SPD agreed to implement all. These recommendations and the reported status by SPD are included below.



**Table 3.2: Status of Recommendations from Audit of Secure Firearm Storage in Training Facilities**

<b>Recommendation</b>	<b>Current Reported Status</b>
1. ETS should identify firearm storage options for Annex I and Annex II that reasonably secure firearms against unauthorized access. For example, storage options could include the use of gun vaults, electronic locks to prevent access by unauthorized personnel, or use of individual firearm storage lockers with keyed locks.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Q4 2021.
2. Once viable firearm storage options have been identified and selected, ETS should implement them for use during all trainings held in Annex I and Annex II.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Unable to determine at this time.
3. ETS should document and maintain policies and procedures related to firearm storage, such as in a unit manual.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Q4 2021
4. ETS should communicate documented policies and procedures related to firearm storage and other training safety practices to the units and instructors that use Annex I and Annex II training facilities.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Q4 2021.
5. ETS should coordinate with units and instructors using the Annex I and Annex II training facilities to ensure that ETS is aware of when the facilities are being used and that Safety Officers are present to verify that safety policies and procedures are being followed.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Q4 2021.
6. APRS should develop clear criteria on safe firearm handling and storage, including the temporary storage of firearms during training, in vehicles, and other circumstances when officers may not have their assigned firearms in their direct control while on duty.	<b>Open.</b> Unchanged since SPD management response in August 2021. Estimated date of implementation: Q4 2021.



## **Audits in Progress**

### **Audit of SPD Interactions with Outside Law Enforcement Agencies (Mutual Aid)**

OIG is conducting an audit of SPD operations when engaging with other agencies under task force and mutual aid agreements. The scope includes formal relationships, such as SPD officers assigned to work with federal agencies, as well as context-dependent collaboration like the use of mutual aid during mass demonstrations. Given the marked increase in use of force and mutual aid during mass demonstrations in the summer of 2020, OIG expanded the scope to encompass 2020 events. This project was delayed due to other work on mass demonstrations in 2020 and staffing limitations.

## **Deferred or Cancelled Audits**

These projects were in the 2021 work plan but were deferred or cancelled, as explained below.

### **Audit of Discretionary Citations**

This audit was intended to include a review of data relating to discretionary citations, including body-worn video, and assessment for evidence of bias and disparity, as well as to evaluate it for compliance with SPD policy. Although the 2021 work plan forecasted completion of this audit in 2021, ongoing project priorities and staffing constraints initially delayed this project.

OIG is currently coordinating a project involving deprioritization of minor traffic stops, which is intended to explore alternatives to traffic enforcement in ways that do not involve in-person stops for minor violations. Since a focus of this work is on discretionary citations for minor violations, this audit was cancelled and supplanted by the other project.

### **Chapter 14.12 Follow-up Audit**

OIG planned to test the implementation status of recommendations made in the 2019 audit of SPD compliance with Chapter 14.12 of Seattle Municipal Code. This was deferred due to other ongoing work and staffing limitations.

### **Planned Audit(s) in Response to Sentinel Event Review (SER)**

This was a placeholder for audit needs that might arise from the community-led Sentinel Event Review Panel. To date, OIG and SPD are convening to discuss implementation of SER recommendations, so no audit projects have been identified yet.



## **Pre-Audit Stakeholder Analysis for 911 Call Center**

This was to be a pre-audit stakeholder analysis of potential audit work on the relocated 911 call center involving meeting with stakeholders to develop an inventory of issues to be reviewed in a subsequent audit. However, other ongoing projects and staffing limitations led to deferring this project.

## **Audit of Overtime and Personnel Management**

This was an audit of SPD overtime use and personnel management systems. At the time of the 2021 work plan, the Mayor's Office was working on projects related to SPD overtime use and the City Auditor was planning to follow up on previous recommendations issued in 2016. This was included as a horizon project that would be initiated when staffing permits.

## **Audit of SPD Contracting and Purchasing**

This was also included in the horizon projects section and was deferred for staffing constraints. This audit would determine whether SPD contracting and purchasing processes are robust, efficient, and in compliance with City policy.

## **Non-Audit Projects in Progress**

There were two non-audit projects nearing completion at the end of 2021:

### **SPD Responses to High-Risk Persons-in-Crisis Calls**

This is a non-audit review concerning SPD responses to high-risk persons-in-crisis. The objective of this review is to select an assortment of example cases where SPD officers encountered subjects in crisis who were reported or observed to have hand-to-hand weapons, and the incident ended with no serious injuries or deaths. OIG is evaluating these cases as well as relevant SPD policies and training to identify any common factors, such as specific tactics or equipment used by SPD, and whether these factors appeared to be linked to a successful outcome.

### **SPD Compliance with Mask Directives During the COVID-19 Pandemic**

OIG conducted a review to determine why the Seattle Police Department, as an organization, did not enforce public health directives concerning facial coverings ("masks") during the COVID-19 pandemic. In conducting this project OIG reviewed internal department emails, investigation files from the Office of Police Accountability (OPA), and payroll information, as well as interviewed relevant personnel. The report was issued in April of 2022.



## Chapter 4: POLICY WORK

### HIGHLIGHTS

In 2021, OIG policy work focused on reviewing SPD actions during the 2020 protests through the Sentinel Event Review (SER), deprioritization of certain low-level traffic stops, implementation of dialogue policing in SPD protest response, continued work assessing civilian and sworn staffing, and reviewing proposed legislation on police accountability and public safety by the state legislature.

### Policy Overview

In 2021, OIG developed community-focused and data driven policy projects. A central theme emerged from these projects: the gap between SPD's structural legitimacy (what SPD was permitted to do according to law and policy) and its perceived legitimacy (the extent to which the public believed SPD's actions were proper and justified). Multiple OIG policy projects, including the SER and the collaboration on traffic stops, resulted in policy changes intended to close the legitimacy gap and better align SPD policy with public expectations.

In addition to having a staff of three full-time members—a supervisor and two analysts — OIG engaged academic researchers who assisted in the analysis and logistics of several projects. Additionally, OIG contracted the services of national and international subject matter experts to collaborate on research and public policy products.

### About Policy

*OIG produces policy reports, and conducts research and special projects to foster innovation, provide insight into issues affecting the Seattle police accountability system, while being responsive to the intersection of policing and social justice. To that end, OIG conducts data and policy analysis, collaborates with a range of stakeholders, and engages directly with community members.*



## Overview of Policy Projects

### Sentinel Event Review

Because this is a multi-year project, some background from previous years is included in this report.

In 2019, OIG began developing the SER to analyze sentinel events—significant, unexpected, negative outcomes indicative of broader systemic problems—involving SPD. OIG initially added SER to its first annual work plan in 2019, intending to apply it to officer-involved shootings or other serious injuries of significant public concern. In 2020, OIG shifted its SER process to analyze SPD’s protest responses. The SER is structured in three phases: (1) gathering community input and perspectives; (2) convening a SER panel to develop analysis and findings; and (3) further reviewing systems for issues identified by SER.<sup>5</sup>

During the second half of 2020, OIG reached out to approximately 100 community organizations and government agencies to gather input. To engage continuously with key stakeholders, OIG established the SER Planning Group built from a diverse group of community leaders, members of the public, and SPD officials who come together to advise on the SER process. OIG identified several spikes in police use of force records which correlated with other data (e.g., arrests, injuries, complaints, etc.) and critical incidents identified by stakeholders.

#### OIG identified five “Waves” the SER would examine:

- **Wave 1** (May 29 – June 1), completed in 2021, comprises the period from the murder of George Floyd by Minneapolis police officers to the first four days of demonstrations in Seattle.
- **Wave 2** (June 2 – June 7) includes events that occurred before SPD personnel left the East Precinct, when the main demonstrations shifted from Downtown to the East Precinct.
- **Wave 3** (June 8 – July 2) includes events that occurred during the Capitol Hill Organized Protest (CHOP) / Capitol Hill Autonomous Zone (CHAZ).
- **Waves 4 & 5** (July 3 – Dec 31) includes events after the East Precinct was reestablished.

<sup>5</sup> More information about the process can be found on the OIG website:  
<https://www.seattle.gov/oig/sentinel-event-review>



OIG determined that a SER Panel would consist of community members and sworn employees to examine the waves. OIG and the Planning Group assembled a Panel of six community members representing different lived experiences of Seattle, five SPD personnel, and Inspector General Judge. In addition, OIG contracted subject-matter experts to facilitate the first SER process.

OIG recognized that the SER panelists would engage in challenging conversations and review sensitive and traumatizing material. To help navigate such conversations, OIG prioritized establishing trust-building and reconciliation as core components of SER. To do so, OIG contracted Saroeum Phoung and Thary Sun Lim from PointOneNorth Consulting. Phoung and Lim guided the group through a “Peacemaking Process” to create a space with mutual trust and empathy among panelists and a safer environment to share, reflect, and conduct the analysis.

### **Wave 1 Analysis**

Starting in January 2021, the SER Panel convened to review a set of incidents identified by the SER Planning Group and identify additional relevant events with significant negative impacts. On July 22, 2021, the SER Panel issued its first report of recommendations: *Sentinel Event Review of Police Response to 2020 Protests in Seattle Wave 1*. The SER Panel identified areas where SPD actions did not match community expectations even when those actions were allowed by laws or policies. The SER Panel identified 54 recommendations designed to improve SPD’s response to protests in the future. Such recommendations fall into five main areas: community legitimacy, situational awareness, communication and community engagement, tactics and equipment, and officer wellness and training.

On October 4, 2021, Chief of Police Adrian Diaz issued a 13-page response letter to the Panel’s recommendations from the Wave 1 report. In this letter, Chief Diaz addressed the 54 recommendations individually, commenting on the implementation status and feasibility of each. The letter also highlighted SPD initiatives that emerged through the SER process, including the implementation of a “Dialogue Unit” to increase communication and understanding between SPD and demonstrators.

### **Wave 2 Analysis**

Shortly after finishing the review of Wave 1 events, the SER Panel began examining the events that occurred in Wave 2. Wave 2 focuses on the events that occurred from June 2 to June 7, 2020, where the main demonstrations and confrontations shifted from downtown to the vicinity of the East Precinct.

During the last quarter of 2021, OIG began drafting the SER Wave 2 report, which was published on March 14, 2022. The report identified four main categories of contributing factors leading to the identified critical incidents: (1) *lack of awareness, responsiveness, and*



*communication from SPD and the City of Seattle; (2) stationary barricades erected by SPD and the City of Seattle during this period; (3) SPD's use of less-lethal weapons; and (4) officer well-being.* The report contained 26 recommendations targeting the factors that contributed to the sentinel events to prevent future occurrences.

### Wave 3 Analysis

The panel reconvened in November 2021 to begin examining the events of Wave 3. These panel meetings continued into 2022.

## Staffing Study of Sworn vs. Civilian Investigations of Police Misconduct

This is an ongoing endeavor, so background information from previous years is contained in this report.

The 2017 Accountability Ordinance enabled the Office of Police Accountability to increase the number of civilian investigators on its staff. Through collective bargaining, it was determined that OPA would “civilianize” two supervisory positions and two investigators. In 2019, in response to Resolution 31753, Section 4,<sup>6</sup> OIG began an evaluation of the impact of OPA hiring civilian employees within its investigation staff, structuring its analysis in four stages:

**Stage One (2019)** – Surveying other jurisdictions’ hiring practices regarding sworn and civilian personnel in the context of police misconduct investigations.

**Stage Two (2020)** – Creating a baseline from previous OPA investigations.

**Stage Three (2021)** – Conducting interviews focused on organizational/cultural change during the first year of civilianization of OPA investigations.

**Stage Four** – To be determined.

In 2021, OPA successfully filled the civilian investigator and supervisor positions. Stage three focused on understanding how different choices of staff composition—sworn personnel vs. civilian personnel—impacted OPA’s organizational culture and structure.<sup>7</sup>

OIG conducted a literature review and interviews with key stakeholders. OIG reviewed: (1) literature on civilianization in police departments, (2) internal affairs, (3) organizational change theory, (4) civilian oversight of law enforcement, and (5) public data of OPA’s

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<sup>6</sup>“OIG shall, by the end of the first Inspector General’s first full year, conduct a study to ascertain the effectiveness of OPA’s mixed sworn and civilian staffing arrangements and provide recommendations to the Council as to whether further changes are warranted.”

<sup>7</sup> To ensure the actions of Seattle Police Department employees comply with law and policy by conducting thorough, objective, and timely investigations, recommending improvements to policies and training, and engaging in collaborative initiatives that promote systemic advancements.



operations. In addition, OIG conducted interviews to gain an understanding of how different stakeholders perceived OPA before and after the addition of civilian staff in their investigative operations. In total, OIG sent out 17 interview requests and completed 11 interviews representing individuals from the police accountability system, academia, and community.<sup>8</sup>

These interviews provided insight on OPA's civilianization process and resulting changes. OIG found that OPA adapted its structures, procedures, and practices due to the inclusion of more civilians to its staff which could ultimately impact OPA's effectiveness. The interviewees expressed that the civilianization of investigative positions had the biggest impact in four organizational areas (1) talent management, (2) leadership, (3) workload and target setting, and (4) work environment. OPA is still undergoing changes both in their leadership as well as in their staff; the findings from 2021 may not stay consistent in the years to come and more data collection will be needed to properly assess the impact of civilianization.

In the future, OIG will continue aggregating information and assessing the impact of hiring civilian employees to conduct police misconduct investigations by OPA.

## **State Legislative Agenda**

On a continuous basis, OIG reviews state-level policy proposals related to police accountability and public safety. OIG reviews the text of new bills and seeks the perspectives of a wide range of stakeholders, including community-based organizations, journalists, legal experts, the ACLU, and public agencies such as the City Attorney's Office (CAO), the Office of the Mayor, the OPA, and the Community Police Commission (CPC). During the 2021 legislative cycle, OIG asked the Office of Intergovernmental Relations (OIR) to consider eight accountability issues when developing the City's state legislative agenda.<sup>9</sup>

In 2021, OIG continued with its state legislative review but reshaped its role into supporting incumbent and current efforts instead of proposing new legislative changes. OIG consulted

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<sup>8</sup> Police Accountability System perspectives include those who currently or in the past have worked for OIG (5), OPA (3), and the CPC (2).

<sup>9</sup> OIG 2020 Annual Report 1 (pg. 37). Improve the current statewide Police Licensing/Certification Review System. 2. Create a statutory duty for officers to intervene in and report fellow officer misconduct. 3. Amend state law to remove barriers to allowing civilian personnel to take on more roles traditionally restricted to sworn officers. 4. Remove subpoena authority related to oversight as a subject of collective bargaining 5. Create an independent statewide entity to investigate and prosecute deadly use of force by police officers and conduct inquest procedures. 6. Remove barriers to prosecution of police officers who engage in excessive or unjustified use of deadly force. 7. Modify state law to establish a standardized burden of proof (preponderance of the evidence) in police misconduct cases and any appeal or grievance process. 8. Change state public disclosure laws to allow the protection of the identify of local whistleblowers.

with community stakeholders to examine the legislative priorities that a variety of stakeholders are raising or supporting in 2022. In addition, OIG surveyed possible police accountability legislation for the 2022 legislative session, distinguishing between bills that the legislature is likely to amend and bills that may be reintroduced or introduced for the first time.

**Table 4.1: Legislative Tracking 2021**

Likely to Amend		Reintroduced / Introduced for the First Time	
<b>HB 1054</b>	Tactics and Equipment	<b>HB 1202</b>	Peace Officer Accountability
<b>HB 1310</b>	Use of Force	<b>SB 5134</b>	Collective Bargaining
<b>SB 5051</b>	Decertification	<b>HB 1203</b>	Community Oversight Boards
<b>HB 1089</b>	Compliance Audits	<b>HB 1507</b>	Independent Prosecutions
		<b>SB 5089</b>	Certification and Hiring

*\*Information available by December 2021. The 2022 Washington State legislative session closed before the publishing of this report and will be explained in OIG's 2022 Annual Report.*

OIG also reviews emerging legislation on police and police accountability nationwide to stay informed on emerging national trends.

## Crowd Psychology Analysis

As a companion project to the SER, OIG formed a collaboration with subject-matter experts Professor Clifford Stott<sup>10</sup> and Dr. Arabella Kyprianides<sup>11</sup> to analyze the nature of the protests and patterns of policing that occurred across the four days reviewed by SER Wave 1. While SER took a consensus-building approach to reform, the Crowd Psychology Report takes a deep dive into the academic understanding of crowd psychology to understand why the protests unfolded as they did. The report responds to two intertwined objectives:

- Producing a systematic analysis of SPD policy and training guidance on the policing of crowd events.
- Providing a scientific analysis of the crowd dynamics during the first four days of 2020 protests in Seattle.

<sup>10</sup> Professor Stott is currently a Professor of Social Psychology, Dean for Research in the Faculty of Natural Sciences, and Director of the Keele Policing Academic Collaboration (KPAC), of Keele's Strategic Research Centers.

<sup>11</sup> Dr. Kyprianides is a Research Fellow at the Department of Security and Crime Science, University College London.



To produce the study, Professor Stott and Dr. Kyprianides worked with OIG to collect and analyze data. OIG gathered data from different sources related to the protests between May 25 and November 11, 2020. OIG examined a series of data sources from city agencies<sup>12</sup> and triangulated the information with interviews and public data from media and social platforms.<sup>13</sup> OIG produced detailed event timelines and shared the data with the subject-matter experts who independently examined the timelines and the data. The researchers cross-referenced OIG's timelines to produce an accurate and data-driven timeline of events. Professor Stott developed this research process through his prior work with police responses to protests in London and Hong Kong. This study was published in May 2022.<sup>14</sup>

## **Dialogue Policing**

The gap between the “structural legitimacy” provided by laws and policies and the “perceived legitimacy” of police actions by the public was a central theme of the SER Reports and the Crowd Psychology Report. Guided by the experience of Professor Stott, OIG proposed the exploration of dialogue policing to assist in closing this gap through concrete operational change.

Dialogue policing is a set of individual and organizational procedures, and skills used within demonstrations that emphasizes communication between the police and organizers. Its objective is to reduce and de-escalate confrontations and to prevent violence. The model has been implemented in several European countries and is gaining support worldwide due to its effectiveness in fostering positive community-police relations.

OIG convened conversations with police officers worldwide who have experience implementing and operating dialogue policing units. OIG facilitated discussions between the office, SPD, and three police departments in 2021:

- Stockholm Police Department on May 6, 2021.
- The Police of Staffordshire and West York (England) on May 20, 2021.
- The Korean National Police Agency on November 10, 2021.

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<sup>12</sup> Case summaries of police misconduct investigations by Seattle Office of Police Accountability (OPA); Lawsuits that had been filed related to police action; claims made by members of the public for damages and injuries to the Department of Finance and Administrative Services (FAS); arrests, injuries and uses of force, Incident Action Plans (IAP), Computer-Assisted Dispatch (CAD) and other communication logs, personnel rosters (when available), police body worn video (BWV), and officer post-incident statements from SPD.

<sup>13</sup> A sampled mainstream news articles and social media posts on Twitter, YouTube, and Facebook

<sup>14</sup> A copy of the report can be found on the OIG website:

[https://seattle.gov/documents/Departments/OIG/Other/Final\\_Crowd\\_Psychology\\_Report\\_v1.pdf](https://seattle.gov/documents/Departments/OIG/Other/Final_Crowd_Psychology_Report_v1.pdf)



Additionally, OIG supported SPD in the potential implementation of dialogue policing. Assisted by Professor Stott, the potential implementation is led by officers who are panel members of the SER. OIG has facilitated the meetings of this working group periodically to discuss the feasibility of implementing the units and the administrative, policy, financial, and implementation requirements—such as training, creation of manuals, and staffing.

In a letter responding to the SER Wave 1 Report, Chief Adrian Diaz noted that SPD is *“well underway in establishing a ‘dialogue unit, modeled on the Stockholm Police Authority, to foster greater communication and understanding between the police and those who gather before, during, and after events.”*

In 2022, OIG will work closely with these stakeholders to foster implementation.

## **2021 Traffic Stops**

OIG led a collaboration between city agencies, scholars, community-based organizations, and residents across Seattle.<sup>15</sup> These partnerships focused on identifying ways to deprioritize or eliminate traffic stops for minor or civil traffic, cyclist, and pedestrian violations, as well as exploring alternative responses and technologies to maintain and enhance roadway safety. Such collaboration falls within the nationwide acknowledgment of racial disparities in traffic, cyclist, and pedestrian stops and citations, and within the growing movement to eliminate high-risk traffic stops by officers.

OIG convened a Traffic Stops Workgroup meeting in July 2021, the first of a series of steps to gather relevant information and identify stakeholders for a future roundtable discussion. OIG also met with SPD’s new technologies team to discuss gaps in data collection related to traffic stops. By August 1, 2021, Chief Diaz approved a policy change requiring all traffic stops to be documented in the records management system, following the implementation of a new system capable of collecting this information.

On December 14, 2021, OIG convened a Traffic Stops Roundtable with representatives from SPD, SDOT, and twelve other stakeholder organizations. The roundtable provided a forum for stakeholders to discuss deprioritizing low-level, non-dangerous traffic offenses in order to advance equity and public safety for Seattle travelers and law enforcement. The roundtable concluded with the issuance of an initial list of offenses that SPD should not consider as a primary basis for traffic stops. Recategorized as secondary offenses, these

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<sup>15</sup> Stakeholders included Seattle Police Department (SPD), Seattle Department of Transportation - Vision Zero (SDOT), University of Pennsylvania, Transportation Equity Workgroup, Seattle Neighborhood Greenways, American Civil Liberties Union – Washington, Fines & Fees Justice Center, Washington State Criminal Justice Training Commission, Community Policing Commission, Public Health - Seattle & King County, Seattle City Council, King County Public Defenders, King County, and Seattle Municipal Court.



violations are no longer grounds for a traffic stop unless accompanied by a primary offense.

**The list of offenses deprioritized by SPD include:**

1. Registration of vehicles.
2. Temporary registration permits.
3. Display of registration plates.
4. Equipment violations (e.g., single head and taillight violations, window tinting, vehicle exhaust).
5. Bicycle helmets.

Acknowledging the importance of transparency and accountability related to traffic stop enforcement, OIG began developing a public reporting dashboard to track key performance indicators and relevant traffic stop data in late December 2021. In 2022, OIG will continue developing this dashboard and facilitating this multi-stakeholder collaboration.

### **SPD Claims**

Persons alleging fault by SPD for incidents resulting in loss, injury, or damages can file claims with the City. Claims are reviewed and investigated by the Seattle Risk Management Office and can result in the City:

1. Paying a sum of money;
2. Transferring the claim to another entity; or
3. Denying the claim, finding no evidence of city negligence.

There were 234 claims filed against SPD across twelve claim types tracked by Seattle Finance and Administrative Services. Table 4.2 shows the breakdown of claims made against SPD and payments made by the city from 2019—2021.



**Table 4.2: SPD Claims and Payouts 2019-2021\***

	2019		2020		2021	
Claim Event Type	Claims Filed	Payment	Claims Filed	Payment	Claims Filed	Payment
Fleet	51	\$ 107,360	39	\$ 279,788		
Tow	125	\$ 28,730	71	\$ 16,678		
Police Action	35	\$ 4,931	133	\$ 285,513	69	\$ 55,573
Bailment	8	\$ 1,478	16	\$ 707		
All other claims	3	\$ 0	7	\$ 297		
<b>Total</b>	<b>222</b>	<b>\$ 142,499</b>	<b>266</b>	<b>\$ 582,983</b>	<b>234</b>	

\*This table reflects the data available to the OIG at the time of publication.

### **SPD Claims Related to 2020 Protests**

OIG tracked claims related to the 2020 police-related protests. Five protest-related claims were filed in 2021 and are included in Table 4.2 above. OIG will continue to track 2020 protest claims as the remaining claims are processed.

### **SPD Lawsuits**

Lawsuits brought as a result of SPD operations generally involve labor disputes, torts, or police action. In both cases, SPD is counseled and represented by the City Attorney’s Office (CAO) Civil Division. There are four possible resolutions for litigation: dismissed no payment, settlement, judgment with payment, and judgment without payment.

### **Torts**

Torts involve allegations of personal injury and property damage related to SPD. These include allegations of police negligence unrelated to use of force, such as injury caused by an SPD employee traffic accident. In 2021, thirteen tort claims were filed against the City and seven were closed.



**Police Action Lawsuits**

Police actions result from allegations that SPD operations, personnel actions, equipment, or vehicles were responsible for loss, injury, or damages. As depicted in Table 4.3 below, OIG has confirmed at least 13 new police action cases were filed against the city in 2021. One lawsuit pertaining to the death of a protestor in the CHOP.

**Table 4.3: Police Action Lawsuits: Counts, Status, Disposition, and Total Payment**

	<b>Police Action</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Lawsuit Counts</b>	Active from previous years	17	16	--*
	New	10	--*	13
	Closed	11	--*	--*
<b>Disposition of Closed Lawsuits</b>	Dismissed No Payment	9	--*	--*
	Dismissed Miscellaneous	0	--*	--*
	Settlement	2	--*	2
<b>Total paid, settlements and judgement</b>		<b>\$ 123,500</b>	--*	--*

\*CAO data for 2021 was incomplete at the time of writing.



## Chapter 5: OPA Review

### HIGHLIGHTS

Overall, the Office of Police Accountability (OPA) conducts thorough, objective, and timely investigations, achieving full certification in 93% of cases in 2021. OIG remains committed to working with OPA in collaboration and with open communication to achieve fair and consistent outcomes, with OIG maintaining particular focus on issues that remain vitally important to creating and maintaining public trust.

### Classification Review

When OPA receives a complaint, they conduct a preliminary review and decide whether allegations merit a full investigation, or whether some other resolution may be more appropriate. Consistent, proper classification of complaints is a matter of public trust to ensure they are assessed in a fair manner, and in accordance with OPA and SPD policy. OIG reviews OPA case classification decisions to determine:

1. Whether the classification was appropriate; and
2. Whether OPA properly identified allegations and associated employees, if any.

Complaints OPA determines warrant a full investigation do not undergo classification review by OIG. In 2021 OPA classified 148 complaints for full investigation.<sup>16</sup>

### About OPA Review

*OIG oversight of OPA ensures accountability at two critical junctures in the handling of misconduct allegations against SPD employees. First, OIG reviews the “classification” decision made by OPA to ensure a complaint is routed appropriately.<sup>17</sup> Second, when an investigation is complete, OIG reviews the investigation, provides feedback, or requests additional investigation, and certifies whether the investigation was thorough, objective, and timely. If a conflict of interest prevents OPA from handling a complaint made against one of its employees, OIG reviews the complaint and investigates, if appropriate.*

<sup>16</sup> This number is not included in table 5.2 which only concerns classification decision concurrence.

<sup>17</sup> In 2021, OIG reviewed classification decisions on a quarterly basis.

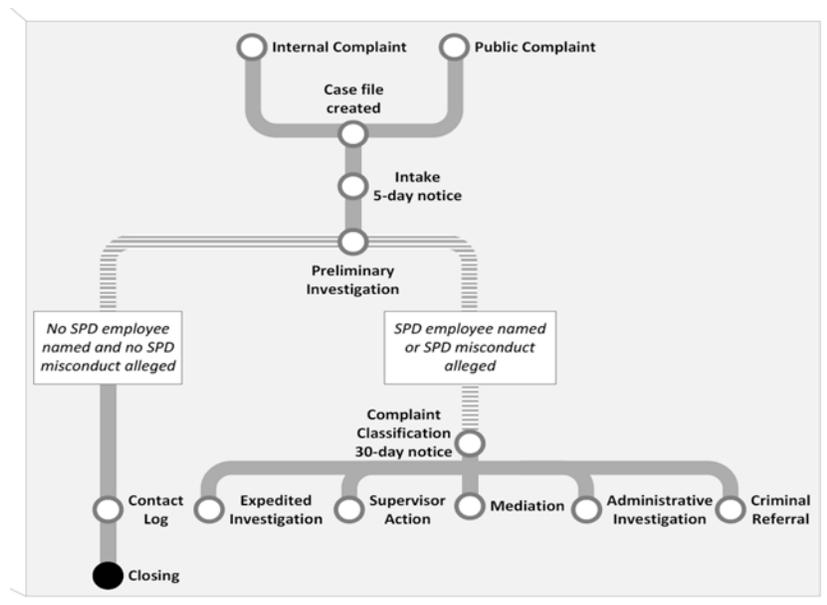


There are four primary types of classifications:<sup>18</sup>

1. **Contact Log** – Used when a complaint does not involve an allegation of possible misconduct against an SPD employee, or there is insufficient information to proceed further. OPA records the intake with a case number and sends the Complainant a closing letter but does not take any other action.
2. **Supervisor Action** – Used when the complaint involves a minor policy violation or performance issue that OPA determines is best addressed by the employee’s Chain of Command. This can include training, communication, or coaching. It can also be used to address allegations that are not a violation of policy.
3. **Investigation** – Used in cases of alleged serious misconduct that, if proven to be true, would be a violation of SPD policy or law. Following a full investigation, including interviewing witnesses, and named employees, OPA issues a recommended finding that could result in formal discipline.
4. **Expedited Investigation** – Used when the Complainant alleges a serious policy violation where preliminary evidence disproves the allegation without interviewing witnesses or the involved employee, thus, no discipline could result. Expedited cases are reviewed by OIG simultaneously for both proper classification and certification of the investigation. If OIG disagrees with this classification, OPA reclassifies the case for full investigation.

OPA uses other case disposition programs including **Rapid Adjudication, Mediation** and **Unsubstantiated Misconduct Screening**, which are discussed further below.

Figure 5.1. OPA case intake process



<sup>18</sup> These definitions are contained in a previous version of the OPA Manual. It was revised in 2022.



## Classification Review Methodology

In 2021, OPA operated under a 2016 court-approved manual, which only identified two classification types: Supervisor Action and Investigation. Since 2016, OPA created a new classification type of Expedited Investigation and evolved a Contact Log classification from what was an administrative function contained in their manual into an actual classification type. When assessing classifications in 2021 for appropriate designation, OIG relied upon the criteria outlined in the OPA Manual, the Accountability Ordinance, and on the definitions created by OPA for the new classifications.<sup>19</sup>

OIG may conduct quarterly sampling of classification decisions or conduct individual review as needed. In 2021, OIG used the following review methodologies:

- **Expedited Investigation:** Reviewed individually at the time of classification. If OIG did not concur with the proposal, OPA reclassified the case for full Investigation.
- **Supervisor Action:** Reviewed retroactively on a quarterly basis.
- **Contact Log:** Reviewed retroactively in sample batches on a quarterly basis throughout 2021.
- **Mediations** Reviewed in a retroactive quarterly assessment.

## Classification Review Findings

In previous years when OIG conducted individual classification review, OIG and OPA were able to reach a high level of agreement because OIG provided real-time feedback to OPA prior to a decision. When OIG moved to quarterly sample review, OPA classification decisions were retrospectively assessed, resulting in less concurrence, and providing only opportunity for future improvement.<sup>20</sup>

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<sup>19</sup> All OPA classification descriptions can be found on their website.

<https://www.seattle.gov/Documents/Departments/OPA/Policy/2022-OPA-Manual-Final.pdf#page=26>

<sup>20</sup> OIG transitioned back to 100% review of all contact logs on a weekly basis in 2022.

Table 5.2 below provides review data by classification type.<sup>21</sup>

**Table 5.2. OIG and OPA Classification Concurrence by Case Type**

OPA Classification	Total	Reviewed by OIG	Level of Concurrence	Type of Review	Timing of Review
Contact Log	148	72	83%	Sample	Quarterly
Batch Contact Logs	1,086	432	94%	Sample	Quarterly
Supervisor Action	124	66	92%	Sample	Quarterly
Expedited Investigation	71	71	91.5%	Individual	At certification
Bias Reviews	172	77	97%	Sample	Quarterly
Rapid Adjudication	0	0	N/A	Individual	At classification
Mediation	2	2	100%	Individual	At classification
<b>Total</b>	<b>1603</b>	<b>720</b>			

## Expedited Investigations

In 2021, OIG concurred with approximately 91.5% of cases (65 total cases) designated for handling as Expedited Investigations (see table 5.2). This is an increase from 2020, when OIG concurred with 87% of cases proposed as Expedited. In some proposed Expedited classifications, OIG did not initially concur because of insufficient evidence and requested additional information. In many situations, OPA was able to remedy an identified deficiency prior to classification to gain concurrence and receive full certification of the Expedited Investigation.

## Contact Logs

A Contact Log classification can be handled in two ways: Complaints with sufficient information to evaluate undergo a full intake process and are assigned a case number (148 in 2021) or, complaints that do not meet the low threshold to allow for evaluation are not assigned a case number and are stored in a Batch Log (1,086 in 2021, see table 5.2).<sup>22</sup>

<sup>21</sup> Because classification of an allegation for full investigation provides the highest level of scrutiny, OIG does not review that decision.

<sup>22</sup> In 2021, OIG planned to review contact log classifications on a quarterly basis, but work priority and staffing constraints necessitated dividing the project into two review periods. The first review occurred in June 2021, and the subsequent review took place in early 2022.

OPA's Batch Log is for general contacts with their office where there are no policy violations alleged. These contacts are compiled under a single IAPro case file. During 2021, OIG reviewed these intakes retroactively on a quarterly basis to ensure appropriate disposition and to identify possible systemic concerns. OIG did not identify any complaints in the Batch Contact Logs alleging serious misconduct by SPD employees. Complaints included in the log were often about another jurisdiction or department, traffic violation disputes, or otherwise unrelated issues.<sup>23</sup> In 2021, OIG concurred with 94% of the Batch Contact Log designations.

OPA generally appears to use the Contact Log category appropriately, as OIG had a high level of concurrence with these case classifications. However, where non-concurrence was noted, the determination was based on the following:

1. Contact Logs contained alleged policy violations, where OIG determined an Expedited Investigation would have been the more appropriate classification.
2. The basis to justify the classification was inconsistent with the Contact Log policy.

## Supervisor Actions

When retroactively sampling cases classified as Supervisor Action, OIG's rate of concurrence for 2021 was 92%.<sup>24</sup> Supervisor Action classification is only appropriate as a resolution for conduct that is not a violation of policy, or for minor policy violations or performance issues that are best addressed through counseling.<sup>25</sup> Disagreement with OPA on these classifications was primarily based upon inclusion of allegations of potentially serious policy violations.

## Investigation Review

OIG certifies whether OPA investigations are **thorough, timely, and objective** using criteria delineated in the accountability Ordinance, including whether:

- Witnesses were contacted, interviewed, and all other material evidence was timely collected.

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<sup>23</sup> OIG found no evidence that the Contact Log designations were used improperly, or as a repository to shield potentially sustained allegations of police misconduct.

<sup>24</sup> OIG review of Supervisor Actions during the last six months of 2020 had a concurrence level of 59% and most of the cases OIG did not concur with were completed during the first quarter of 2021.

<sup>25</sup> The previous policy manual includes conduct that does not violate policy in the definition for Supervisor Action cases.



- Interviews were thorough and unbiased, and conflicting testimony was sufficiently addressed.
- Additional clarifying information would strengthen the investigation.
- The written summary and analysis are objective and accurately reflect the evidence.
- Applicable OPA procedures were followed, and the intake and investigation were conducted in accordance with the OPA Manual.

## Investigation Review Methodology

OIG considers each investigation on a case-by-case basis to assess whether OPA has sufficiently addressed the allegations brought forward in accordance with ordinance, collective bargaining agreement, and OPA Manual requirements to achieve procedural justice.

**Timeliness** requirements include the following:

- Completion of the investigation is within 180 days, minus any period in which an extension was granted or time was tolled, otherwise discipline cannot be imposed.
- Named employees are notified of complaints against them within five days.
- Complaints are classified within 30 days after receipt.
- Complainants are notified when OPA has received the complaint and when OPA has classified the complaint.
- Named employees are notified in advance of interviews in accordance with labor contract requirements; and investigations are submitted to OIG in a timely manner to afford sufficient time for feedback and additional OPA investigation if requested or directed by OIG.

When assessing the **thoroughness** of OPA investigations, OIG examines whether:

- All allegations were identified, and each allegation was sufficiently addressed.
- Investigation steps are clearly documented.
- Relevant evidence is collected and accurately reflected in the OPA report.
- Interviews are comprehensive.
- Perishable evidence has been preserved.

When assessing the **objectivity** of OPA investigations, OIG examines whether:



- The investigation includes all relevant evidence.
- Facts and analysis are conveyed in a manner that does not express or indicate bias.
- Conflicting testimony has been addressed.
- Interviews do not use leading or suggestive questions.
- The intake and investigative process complied with the policies set forth in the OPA Manual.

During the review process, OIG feedback to OPA may include formal requests (e.g., directing additional investigation) and informal requests or inquiries. When a deficiency that would impact the certification or case outcome is identified, OIG will formally direct additional investigation. In such cases, after being provided with the opportunity to resolve any identified deficiencies, OPA resubmits the case back to OIG for final review and a certification decision. Informally, OIG may offer suggestions for consideration regarding further investigative steps or provide feedback for future cases.

## **Investigation Review Findings**

In 2021, OIG issued certifications for 212 investigations. OPA may classify an investigation as Expedited when preliminary evidence disproves the allegation(s) without the need to interview any Named Employee(s). In 2021, approximately 30% (64 out of 212) of all investigations were handled as Expedited Investigation, as depicted in Table 5.3. The remaining 70% (148 out of 212) were processed as full Investigations. One case received full certifications at the expedited and full investigation stages. Because both certifications pertain to the same incident, OIG counted the expedited request in Table 5.2 to reflect OIG's level of expedited concurrence but did not include the case in Table 5.3 Expedited numbers in order to show the highest level of investigation completed by OPA. OIG fully certified 93% of cases all as objective, thorough, and timely.<sup>26</sup>

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<sup>26</sup> The overall number of certifications in 2021 represents a 53% percent decrease from 2020, when OIG issued 397 certifications. Notably, OIG saw a decrease in the usage of Expedited as a subclassification of investigations, as in 2020, approximately 50% of investigations were classified as Expedited. Additionally, the percentage of cases receiving full certification has continued to decrease slightly over time, with a 97.4% full certification rate in 2019, and 96% full certification rate in 2020.



**Table 5.3. Certification Outcomes by Investigation Type**

Case Type	OIG Certifications	Full Certification	Partial Certification	Null Certification
<b>Expedited Investigation</b>	64	63	1	0
<b>Investigation</b>	148	135	13	0
<b>Total</b>	<b>212</b>	<b>198 (93%)</b>	<b>14 (7%)</b>	<b>0</b>

### Partial Certifications

In 2021, OIG issued fourteen partial certifications. The main certification deficiency was thoroughness of the investigation (nine). Additionally, three investigations did not meet required statutory deadlines as outlined by the CBA. Two cases did not meet the objectivity requirement—notably, both investigations were also found to be not thorough.

The number of partial certifications issued in 2021, decreased from 16 (in 2020) to 14, although the overall number of cases also decreased, leading to an approximately 3% increase in partial certifications.

**Table 5.4. Certification Issues by Category**

OIG Certifications	Total Count	% of Total Cases
Partial: Not Timely	2	1%
Partial: Not Thorough	9	4%
Partial: Not Thorough or Timely	1	.5%
Partial: Not Thorough or Objective	2	1%
<b>Subtotal</b>	<b>14</b>	<b>7%</b>
Full: Timely, Thorough & Objective	198	93%
<b>Total Cases Certified by OIG</b>	<b>212</b>	<b>100%</b>

## Alternative Programs

### Rapid Adjudication

In 2019, OPA began the Rapid Adjudication program, which is described in the Seattle Police Officers Guild (SPOG) Collective Bargaining Agreement (CBA) and on OPA's website. Rapid Adjudication is an option for employees who are willing to acknowledge their conduct was inconsistent with policy and willing to accept discipline without undergoing a full investigation by OPA. Rapid Adjudication can be initiated either by a named employee or by OPA.

In 2021, no cases were submitted to OIG with a proposal for Rapid Adjudication.

### Mediation

OPA may offer Mediation to Complainants and Named Employees to resolve disagreements, particularly those involving possible miscommunication or misperception, with the guidance of a neutral third party. When accepted by both parties, mediation is the final resolution of the case.

In 2021, no cases were successfully resolved by OPA through this alternative resolution program. OIG will continue to review this program and its implementation going forward. While Mediation is not appropriate for certain allegation types, OIG encourages OPA to continue to develop and utilize this program. Mediation offers Complainants the opportunity to directly engage with an SPD employee to share their perspective and to gain understanding.

### Bias Reviews

Bias allegations and bias-free policing are integral to police accountability and public trust, as evidenced by the need for reform in this area described in the 2012 Consent Decree.<sup>27</sup> While Bias Reviews are technically not an OPA classification, they are one of two processes by which biased based policing allegations against SPD personnel can be resolved. The second process is to file a complaint directly with OPA.

Bias Reviews are an internal process specified in SPD policy. Essentially, if a community member alleges bias-based policing, a supervisor must be called to the scene to conduct a preliminary investigation. The reviewing supervisor should discuss the allegation with the individual and provide an explanation of the option to file a complaint with OPA. If the individual does not ask that the matter be referred to OPA, and if the supervisor determines through a preliminary investigation that no misconduct occurred; the

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<sup>27</sup> Recognizing the importance of this issue, in 2020, OIG began to sample Bias Reviews closed out by OPA on a quarterly basis.



supervisor will resolve the matter by filling out a Bias Review Template. If the individual does not cooperate with the Supervisor or has left the scene, the Supervisor is required by policy to review Body Worn Video to assess what occurred. The completed templates are reviewed by the Chain of Command and by OPA, prior to being closed out.

When conducting retrospective sampling of Bias Review cases in 2021, OIG found concurrence with 97% of reviews conducted in this fashion, only disagreeing in two instances of the 77 sampled cases.



## APPENDIX A

Ordinance 125315, §3.29.270.D

The Inspector General shall produce annual reports that are readily understandable and useful to policymakers. The annual report shall include, but not be limited to, the following:

1. A summary of OIG's audit and review activities for the previous year;
2. An evaluation of the extent to which the purposes, duties, and responsibilities detailed in this Chapter 3.29 have been met by the responsible entities;
3. A description of the work of OIG in fulfilling OIG's purpose, duties, and responsibilities detailed in this Chapter 3.29;
4. Inspector General recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws;
5. A summary of the implementation status of any previous OIG recommendations, and for any that have not been implemented, the reasons;
6. A summary of OIG's review and the outcome of SPD reviews for officer-involved shootings, in-custody deaths, and any other cases of significant public concern;
7. An analysis of any patterns and trends of disproportionality or other concerns compared to previous years, including from review of inquests, claims and lawsuits alleging SPD misconduct;
8. The outcome of reviews of successful practices in other jurisdictions, and any associated OIG recommendations, including for changes in the mix of OPA sworn and civilian staff;
9. A summary of information received from OIG's hotline, any of its other anonymous intake systems, and from community outreach that has informed OIG's work; and
10. A summary of OIG's review of OPA's complaint handling system, including at a minimum:
  - a. The number of investigations reviewed;
  - b. A general description of the complaints and cases reviewed by OIG;
  - c. A description of OPA's follow-up for those cases which OIG did not certify and those cases for which OIG requested or required further investigation;
  - d. A review of cases not investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid Adjudication, Management Actions and Training Referrals; and
  - e. A description of any concerns or trends noted in OPA complaint intake and investigations.



## APPENDIX B

Seattle Office of Inspector General  
Organizational Chart 2021

