

SEATTLE POLICE DEPARTMENT



OFFICE OF
PROFESSIONAL
ACCOUNTABILITY

OPA Complaint
Statistics
2006/2007

Spring 2008

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EXECUTIVE SUMMARY

This report provides an overview of the complaints filed with the Office of Professional Accountability and summarizes findings in closed investigations for 2006 and 2007. Data concerning the specific allegations raised in these complaints is provided, along with information about the number of officers with single and multiple complaints, discipline information, and the average length of an investigation.

Historically, the OPA Annual report was compiled with information that was approximately 12-18 months old, allowing all cases from a specific year to be closed prior to reporting. In an effort to make public more current information, OPA is transitioning to a reporting schedule including more recent information. This transition process may include some duplication and overlap with previously reported information, but will facilitate the dialog and discussion of information in a more timely and transparent manner.

Portions of this report were previously prepared and provided to the Police Accountability Review Panel that was convened by Mayor Nickel's to look at how citizen oversight of the police complaint process was progressing in Seattle. That Panel released its final report on 29 January 2008. The report and the Panel's other activities can be accessed at:

<http://www.seattle.gov/policeaccountabilityreviewpanel/>

Other data included in this document has been previously reported in OPA Monthly Reports to the Mayor, which can be found at:

<http://www.seattle.gov/mayor/issues/OPA.htm>

The monthly reports reflect current data as the calendar year unfolds. A consolidated report prepared after the year's cases have been closed provides a more accurate and representative review and allows for identification and analysis of trends.

Included in the Mayor's Monthly Reports are statistics on classification of complaints, a breakdown of the allegations made, and the disposition of complaints.



OPA CLASSIFICATIONS OF COMPLAINTS

Complaints received by the Office of Professional Accountability (OPA-IS) are classified into one of five categories:

1. **OPA Investigation Section (IS)** complaints are more complex and involve more serious allegations, including use of force allegations, and are investigated by OPA-IS.
2. **Line Investigations (LI)** complaints involving minor misconduct are investigated by the officer's chain of command.
3. **Supervisory Referral (SR)** complaints are those that, even if events occurred as described, signify minor misconduct and/or a training gap. The complaint is referred to the employee's supervisor for review, counseling, and training as necessary.
4. **Preliminary Investigation Report (PIR)** complaints involve conduct that would not constitute misconduct and are referred to the employee's supervisor for follow up.
5. **The Contact Log (CL)** classification is used for complaints that do not involve misconduct, but are requests for information, referrals, etc.¹

A single complaint related to a particular police incident may involve more than one complaining party, multiple allegations, and/or more than one officer. The following chart shows the total number of complaints filed with OPA since 2005, along with the aggregate classification information.

Complaint Intake Against SPD Employees 2005-2006			
Complaint Classification	2005	2006	2007
OPA-IS Investigations	174	147	152
Line Investigations	36	23	14
Supervisory Referrals	74	86	97
Mediation	3*	13	24
Preliminary Investigation Reports	315	282	316
Contact Log	433	581	598
Total Complaints	1035	1132	1201

* Mediation program initiated in August 2005

¹ The precise definitions of these classifications vary depending on whether we use the SPD Policies and Procedures Manual, Section 11.001, Public and Internal Complaint Process (formally SPD Policy Section 1.117) or published OPA reports. Precise definitions will be incorporated into the Policy and Procedures manual section currently under review.



OPA-IS, LI & SR Allegations by Classification

The following three charts summarize the different types of allegations raised in complaints categorized as a Supervisory Referral, OPA-IS, or Line Investigation. Note that the total number of allegations will be higher than the total number of complaints, as shown in the previous chart, because one complaint may contain multiple allegations.

Comparison of Supervisory Referrals

Number and Types of Allegations in Cases Assigned for Resolution by Supervisory Referral

Type of Allegation	2003	2004	2005
Rudeness	25	12	10
Violation of Rules and Regulations	9	6	20
Conduct Unbecoming an Officer	31	27	47
Misuse of Authority	6	3	1
Failure to Take Appropriate Action	14	9	14
Unnecessary Force	2	0	0
Mishandling Property or Evidence	3	1	0
Other	10	1	9
TOTAL	100	59	101

In June 2006, a new SPD manual section (5.001, Standards and Duties) was released. The new manual section changed and modified multiple manual sections that had been previously used to categorize OPA complaint allegations. Some original categories were subsumed into new categories and others were relabeled.

Number and Types of Allegations in Cases Assigned for Resolution by Supervisory Referral

Total Complaints Classified as Supervisory Referrals	86	Total Complaints Classified as Supervisory Referrals	97
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Type of Allegation	No. Of Allegations	
	2006	2007
Courtesy	61	46
Violation of Rules and Regulations	19	22
Bias	6	0
Improper Language	3	4
Discretion	20	26
Reports/Evidence	8	15
Duty to Identify	6	9
Other ²	9	6
TOTAL	132	128

² The "other" category in 2006 includes: 2 allegations concerning traffic stops, 2 allegations concerning conflicts of interest, 1 allegation involving off-duty conduct, 3 allegations concerning respectful workplace, and 1 allegation concerning the responsibility of supervisors

2007 includes: 4 allegations concerning traffic stops, 1 allegation concerning conflict of interest, 1 allegation involving secondary employment



Comparison of Line Investigations or IS Investigations

The June 2006 manual section also impacted how allegations Line Investigations and IS Investigations were reported. The following data shows the new categories for 2006/2007.

LINE INVESTIGATIONS

Total Complaints Classified as Line Investigations

23 14

Allegation	2006	2007
Standards & Duties 1.003		
Rules & Regulations		1
Insubordination	1	
Honesty	1	
Exercise of Discretion	9	7
Courtesy	15	4
Traffic Stops	2	1
Duty to Identify	7	
Derogatory Language	2	
Profanity	5	3
Completion of Reports, Evidence & Actions	3	1
Alcohol & Substance Use 1.089		
Wearing Recognizable Police Uniform on Premise		1
Department E-Mail Policy 1.349		
Violation of Rules		1
Arrest Procedures 2.001		
Notification of Supervisor	1	
Miranda 3.005		
Rights Read at Time of Arrest	2	
Collision Investigations (Mandatory Reporting) 3.045		
Violation of Rules		1
Enforcement Action		1
Duty to Investigate		1
TOTAL	48	22



IS INVESTIGATIONS

Comparison of 2006/2007 IS Allegations

Total Complaints Classified as IS Investigations

147 152

Allegation	2006	2007
Standards & Duties 1.003		
Rules & Regulations	5	8
Insubordination	6	1
Responsibility of Supervisors	2	4
Violation of Law (Admin Case)	27	9
Violation of Law (Outside Agency)	1	7
Violation of Law (SPD Case)	4	7
Collective Bargaining Agreement	3	
Honesty	11	5
Integrity	1	
Integrity-Conflicts of Interest	4	
Integrity-Employee Associations	1	
Integrity-Misuse of Authority	8	3
Integrity-Gratuities		2
Exercise of Discretion	15	24
Criticism of Others	1	
Reporting Misconduct	2	
Courtesy	28	22
Traffic Stops	1	3
Duty to Identify	17	3
Derogatory Language	19	6
Profanity	17	12
Respectful Workplace	5	
Completion of Reports, Evidence & Actions	3	4
Unbiased Policing 1.010		
Policy Violations	12	3
Criminal Case 1.069		
Appearing as a Defense Witness	1	
Case Testimony	1	
Alcohol & Substance Use 1.089		
Intoxicants	1	1
Wearing Recognizable Police Uniform on Premise		1
Informant Management 1.101		
Rules and Regulations	1	
Complaint Process 1.117		
Misconduct Intervention	2	
Employee Responsibilities	1	1
Failure to Cooperate with an Internal Investigation	5	4
Reporting Requirements		1
Vehicle Pursuits 1.141		



OFFICE OF PROFESSIONAL ACCOUNTABILITY
OPA COMPLAINT STATISTICS

Rules and Regulations	1	1
Policy		2
Use of Force 1.145		
Responsibilities	3	
Policy	146	131
Department Vehicles 1.201		
Rules and Regulations		1
City Equipment 1.197		
Rules and Regulations	2	
Collisions Involving City Vehicles 1.205		
Rules and Regulations	3	
Absence from Duty 1.237		
Rules and Regulations	1	2
Illness and Injury 1.257		
Restrictions While on Sick Leave	1	1
Secondary Employment 1.289		
Rules and Regulations	1	
Department Records Access 1.333		
Rules and Regulations		1
Criminal Records 1.337		
Dissemination	1	1
Department E-Mail Policy 1.349		
Violation of Rules	2	2
In-Car Video 1.354		
Rules and Regulations		2
Arrest Procedures 2.001		
Notification of Supervisor	3	
Officer's Responsibilities	3	4
Social Contacts, Terry Stops & Arrests 2.010		
Social Contact Procedures	1	
Terry Stop Philosophy	2	
Evidence & Property 2.049		
Policy	21	25
Traffic Enforcement 2.081		
Demeanor/Courtesy	1	
Warnings/Traffic Contact Reports	1	1
Miranda 3.005		
Rights Read at Time of Arrest	1	
Interpreters 3.009		
Rules and Regulations		2



OFFICE OF PROFESSIONAL ACCOUNTABILITY
OPA COMPLAINT STATISTICS

Searches 3.017		
Rules and Regulations	5	1
Strip Searches 3.021		
Rules and Regulations	5	
Body Cavity Searches 3.025		
Rules and Regulations	2	
Discharge of Firearm 3.040		
Reporting Responsibilities		1
Collision Investigations (Mandatory Reporting) 3.045		
Duty to Investigate	1	
Arrest of Foreign Nationals		2
Impound Policy		2
TOTAL	412	313

Though the total number of complaints classified for full IS investigation increased from 2006 to 2007, the number of total allegations decreased. OPA-IS has been working to be more specific in identifying the potential policy violations implicated in a complaint, and to avoid unnecessarily “stacking” allegations.



OPA-IS & LI Findings

Below is a summary of findings for all IS and LI cases closed in 2005, 2006 and 2007 to date. Note: one complaint may result in multiple allegations and findings.

Number and Types of Findings for IS & LI case for 2005, 2006 & 2007

	2005	2006	2007 (closed through March 2008*)
Findings			
Sustained	44	36	21
Supervisory Intervention	9	47	28
Unfounded	30	114	54
Exonerated	16	91	63
Not Sustained	30	52	8
Administratively Unfounded	5	16	15
Administratively Inactivated	1	6	0
Administratively Exonerated	1	0	10

* Of the 152 OPA-IS cases opened in 2007, as of 4-9-2008, OPA has closed and certified 82 cases. The remaining cases are at various stages of completing the investigation, review or in the discipline process.

There are eight findings used when closing completed cases. One case can have multiple findings.

- A SUSTAINED finding means the allegation of misconduct is supported by a preponderance of the evidence.
- A SUPERVISORY INTERVENTION means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee's chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.
- If a preponderance of the evidence indicates the alleged act did not occur as reported or is false there is an UNFOUNDED finding.
- Where a preponderance of the evidence indicates the conduct alleged occurred, but the conduct was justified, lawful and proper, there is an EXONERATED finding.
- If the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence, the result is a NOT SUSTAINED finding.
- A finding of ADMINISTRATIVELY UNFOUNDED or ADMINISTRATIVELY EXONERATED can be made prior to the completion of the investigation when the complaint is significantly flawed procedurally or legally; or without merit; i.e., the complaint is false or the subject recants the allegations, preliminary investigation reveals wrong employee identified, or the employee's actions were found to be justified, lawful and proper and according to training.
- If the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations, there is an ADMINISTRATIVELY INACTIVATED finding. The investigation may be reactivated upon the discovery of new, substantive information or evidence.



Preliminary Investigation Report (PIR) Allegations

A complaint classified as a Preliminary Investigation Report (PIR) involves conduct that would not constitute misconduct and may be referred to the employee's supervisor for review. PIRs are further categorized into 19 different subject matter categories, as summarized below.

Number and Types of Allegations for PIRs

Total Complaints Classified as PIRs:		315	282	316
#	Description	2005	2006	2007
1	Service Quality	87	87	108
2	Possible Mental Issues	28	36	10
3	Disputes Report/Citation	78	84	61
4	Biased Policing: Traffic	7	10	15
5	Biased Policing: Other ³	12	18	13
6	Attitude/Demeanor	81	91	90
7	Inquiry/Request/Referral	54	72	63
8	Discretion in Enforcement	50	37	40
9	Off-Duty Traffic Control	0	0	1
10	Demonstrations	0	1	
11	Special Events	0	0	1
12	Sporting Events - SAFECO	0	0	3
13	Sporting Events - Seahawks	1	0	0
14	Sporting Events - Key Arena	0	0	0
15	Workplace Issues	3	7	4
16	Private Conduct	10	6	7
17	Traffic Violation by Officer	10	14	4
18	Search and Seizure	6	14	11
99	Other	22	7	19
	Total	449	484	450

Note: Both primary and secondary issues are included.

³ Category 5 includes allegation of both prejudicial and preferential treatment based on bias



Complaints per Officer

The following charts summarize information on the number of officers with single and multiple IS and LI complaints for 2003 through 2007.

Officers with Multiple Complaints

Officer Complaint Category	Number of Officers in 2003	Number of Officers in 2004	Number of Officers in 2005	Number of Officers in 2006	Number of Officers in 2007
Officers with one complaint	101	127	136	164	215
Officers with two complaints	22	32	40	34	29
Officers with three or more complaints	8	11	17	6	9
Total complaints	131	170	193	204	253

Seattle Police Department, 2003-2007 *Complaints may name more than one officer (LI/IIS cases only)

Using Strength Average @ 1250 officers

2006

- 83.6% of officers had no complaints
- 13.1% had 1 complaint
- 2.7% had 2 complaints
- <1% had 3 or more complaints

2007

- 79.8% of officers had no complaints
- 17.2% had 1 complaint
- 2.2% had 2 complaints
- < 1% had 3 complainants (no employee had more than three complaints in 2007)



Use of Force Complaints per Officer

The following chart notes the number of officers with single and multiple uses of force complaints for 2003 through 2007.

Officer Complaint Category	Number of Officers in 2003	Number of Officers in 2004	Number of Officers in 2005	Number of Officers in 2006	Number of Officers in 2007
Officers with one use of force complaint	79	76	73	90	111
Officers with two use of force complaints	14	16	30	18	11
Officers with three or more use of force complaints	3	9	7	4	2
Total complaints	96	101	110	112	124

Seattle Police Department, 2003-2007 *Complaints may name more than one officer (LI/IIS cases only)

In 2007, no employee had more than three use of force complaints.

Discipline

The following table provides information on the type of discipline imposed.

SMC 3.28.810(G) charges the OPA with providing analysis to the Chief of Police regarding disciplinary action in order to promote consistency of discipline. The OPA continues to work with the Department's Human Resources Department to improve records kept of past discipline to aid in the consideration of appropriate discipline. Currently, Human Resources maintains a database of all discipline imposed on sworn employees and for what allegation.

SPD Sworn Employees Disciplined 2007

Type of Disciplinary Action	Number of Times Discipline Imposed
Termination	1
Demotion	0
Suspension	12
Written Reprimand	12
Oral Reprimand	1
Transfer	0
TOTAL	26

An additional suspension was held in abeyance for 2 years, one case did not result in discipline as the employee resigned, one case was resolved with counseling, and in one case discipline was not imposed due to the 180 day contractual deadline being missed.



Average Length of Investigations 2004-2007

Complainants and named officers have raised concerns about timeliness in the completion of investigations by OPA. OPA has responded to such concerns and the average length of time it takes an investigator to complete an investigation is dropping, as reflected below. (2007 data reflects cases closed through March 2008)

