

2015 SEMI-ANNUAL REPORT

JANUARY 1 – JUNE 30, 2015



O.P.A.

OFFICE OF PROFESSIONAL
ACCOUNTABILITY

ISSUED BY

DIRECTOR PIERCE MURPHY

JULY 14, 2015

The Office of Professional Accountability (OPA) is listening to the community; OPA is now reporting real time information on every case closed and each Management Action recommendation made. These changes substantially increase transparency – one of OPA’s primary goals.

This year, OPA made several recommendations to improve the Seattle Police Department’s (SPD) policies and procedures. We call these “Management Action” recommendations. Because of OPA’s unique role in conducting investigations into officer conduct complaints, we are able to identify necessary changes or additions to SPD policies, procedures and training which may need to be established or improved. OPA’s ability to do so is a key preventative role in the overall police accountability structure.

Case numbers for the first half of 2015 show a continuation of the previously reported increase in complaints received by OPA. OPA recorded a 95% increase in Investigations and a 64% increase in cases classified for Supervisor Action compared with the first half of 2014¹. This is due, in part, to a significantly larger number of complaints being referred to OPA by SPD. Forty-seven percent (253) of the 540 complaints received were internal referrals. OPA considers this an indication of SPD’s commitment to holding its employees accountable.

I. Highlights

Real Time Case Summaries

OPA began posting real-time case summaries on its website. At the closure of each case, OPA summarizes the nature of the complaint, the investigation, evidence, analysis, findings and discipline if applicable. OPA provides this information to the complainant, employee and to the public on its website.

Real Time Management Action Reports

The OPA Director makes a Management Action recommendation to the Chief of Police when a deficiency in SPD policy, procedure or training is discovered as a result of an investigation. These recommendations are sent to the Chief by the OPA Director and posted on OPA’s website. Updates about the status of each recommendation are also reported publicly on the website. Consistent with a recommendation made by the OPA Auditor in her most recent semi-annual report, OPA now includes in its correspondence to the person who filed the complaint a copy of any related Management Recommendation letter sent to the Chief.

Complaint Status Tracker

OPA launched a complaint status tracker on its website. The person who files the complaint and the named employee can check the status of the complaint online using the case number at any point. This is part of OPA’s commitment to ensure that complainants and employees to have access to the most up to date information about the case.

¹ A previous version of this report incorrectly stated that there was a 48% increase in Investigations and a 40% in Supervisor Actions.

Operational Efficiency

OPA is processing all Supervisor Action cases electronically. Paper files are no longer being routed between OPA and the employees' chains of command. The electronic processing of Supervisor Action cases increases efficiency and will decrease the time needed for processing by the chain of command.

Operational Capacity

OPA has on-boarded a new Captain who supervises an Investigations Lieutenant and an Intake Lieutenant; the Intake Lieutenant position was added in May 2015. OPA also hired an additional Intake Sergeant. These two new positions will allow OPA to better manage its workload and implement new investigative processes. In addition to these supervisory responsibilities, the Captain also works with the Director in finalizing cases.

Marketing & Communications

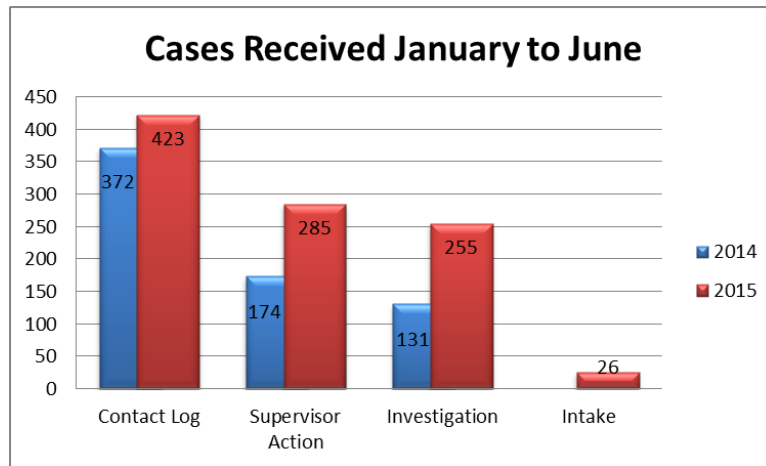
OPA has developed new communications and educational materials available on the website. These new documents clearly explain how to file a complaint and answer FAQ's about the process. OPA will distribute these materials during outreach events and public meetings. OPA hopes that organizations and other stakeholders will download and distribute these materials as well.

Criminal Justice System Referrals

In the OPA Auditor's Semi-Annual Report, December 2014, the Auditor made a recommendation that OPA "should establish an easy means of referral for investigation of possible misconduct any concerns regarding officers whom others in the criminal justice system believe may have not acted with integrity or honesty." The OPA Director has made contact with representatives from the various entities suggested by the Auditor. OPA has received assurances that prosecutors, judges, and defenders alike understand how to directly refer an allegation of misconduct to OPA should they consider it appropriate. None of the representatives found it necessary to enter into any formal agreement with OPA.

II. Cases

RECEIVED CASES



The increase in Supervisor Action is partly a result of the Force Review Board referring more cases regarding use of in-car-video (ICV) uncovered during its review of use of force incidents.

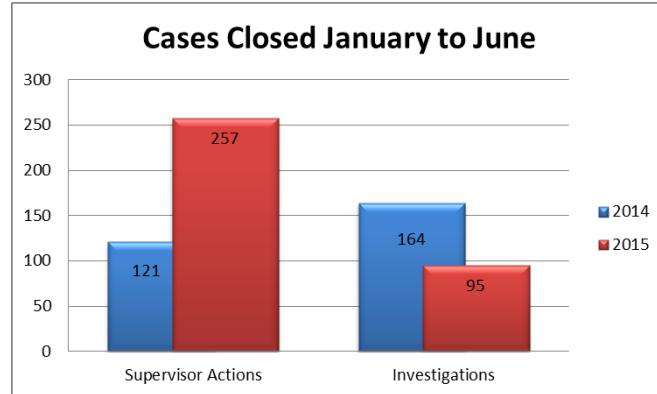
The increase in investigations is partly a result of 119 cases referred by the SPD Compliance Bureau for employees who did not complete mandatory training.

As of July 14, there were 26 contacts received in June, which are in the “Intake” process of being preliminarily investigated and sent to the Director for classification.

Of the complaints received which were classified for full investigation, the most frequent allegation is failure to complete mandatory training. The top ten most frequent allegations for cases opened this period are:

Allegation	Number of Allegations	Percent of Total Allegations
Training, Qualification and Certification	119	29%
Force - Use	56	14%
Video and Audio Recording	33	8%
Professionalism	29	7%
Integrity and Ethics	27	7%
Bias-free Policing	25	6%
Conformance to Law	19	5%
Stops, Detentions and Arrests	17	4%
Investigations and Reports	13	3%

CLOSED CASES

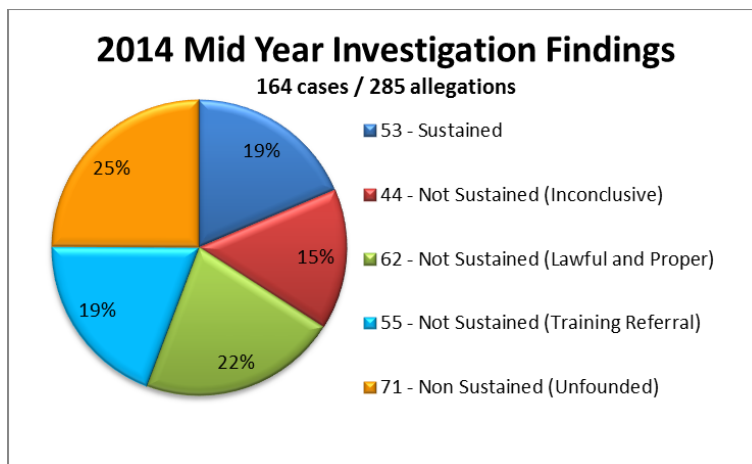
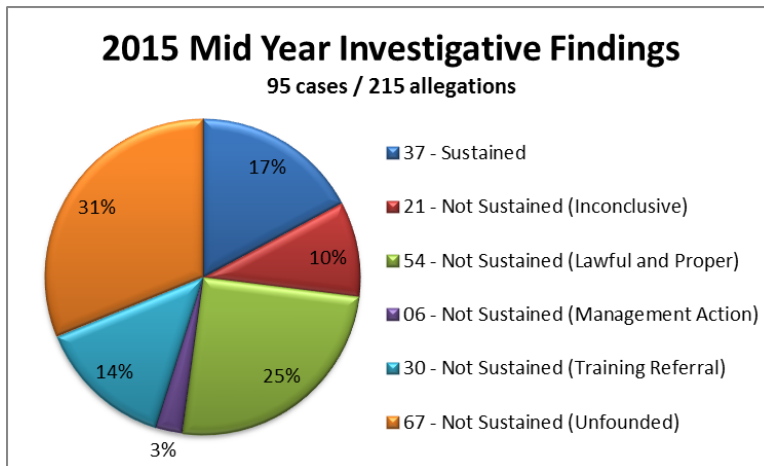


The increased number of closed Supervisor Action cases can be attributed to filling a full-time administrative staff position which allowed OPA to clear out a backlog of returned Supervisor Actions, and previous Supervisor Action cases that were processed by SPD supervisors during the reorganization of SPD's command staff.

The decrease in investigations is in part due to a large number of cases (49 failure to complete Firearm Qualification cases) that were all opened and completed as a batch the first half of 2014.

FINDINGS

There is not a significant difference in findings of sustained versus not-sustained cases between 2014 and 2015. The three most frequently sustained allegations were for professionalism/courtesy 30% (11 allegations), Integrity and Ethics 11% (4 allegations), and Administrative Procedures and Requirements 11% (4 allegations). Sustained allegations for use of force were 6% (2 allegations).



DISCIPLINE

Nineteen of the 95 cases closed during this time period resulted in discipline for 17 employees (three cases involved the same named employee). Three disciplinary actions have been appealed. In 2014 between January and June, 32 cases resulted in discipline. Of these 32 cases, none were appealed. (See Appealed Cases on page 8 of this report).

2015			
Discipline for Sustained Cases	Case Number	Case Count	Additional Information
No Discipline	2014-0597 13-0502 2014-0780	3	Training provided or no longer an SPD employee
Oral Reprimand	N/A	0	
Written Reprimand	2014-0421 2014-0248 2014-0476 2014-0663	4	
Suspension without Pay	13-0411 2014-0233 2014-0248 2014-0089 14-0179 2014-0496 2014-0580 12-0534	7	Range from one day to twenty days off
Termination	2014-0377 2014-0544 2014-0842	3	Three sustained cases for one employee
In Lieu of Termination	2014-0116 2014-0770	2	1 Resignation 1 Retirement

For more information about cases closed in 2015, visit OPA's Closed Case Summary page on its website. These Summaries include information about the complaint, investigation, analysis and outcome.

2014			
Discipline for Sustained Cases	Case Numbers	Case Count	Additional Information
No Discipline	13-0287 13-0370	2	past the 180 deadline, additional training
Oral Reprimand	13-0267 13-0316 13-0354 13-0481 13-0489 14-0004	6	
Written Reprimand	12-0593 13-0370 13-0382	5	

	13-0427 13-0430		
Suspension without Pay	12-0429 12-0476 12-0556 12-0594 13-0107 13-0164 13-0265 13-0301 13-0366 13-0373 13-0404 13-0414 13-0418 13-0442 13-0470 13-0479	16	Range from 1 day to 15 days
Termination	13-0203 13-0245 13-0476	3	

OPA began posting real time information about cases in 2015. Closed Case Summaries are not available for complaints closed prior to 2015.

APPEALED CASES

2015 Changes or Final Decisions				
Case Numbers	Appealed Cases (allegations)	Appeal Date	How Appealed	Change or Final Decision
12-IS-0263 12-IS-0477	Violation of Law	2012	Public Safety Civil Service Commission	06/23/15 – UPHELD Termination
13-IS-0301	Unauthorized Absence Military Leave Timekeeping Issues Compensation Regulations	8/6/14	Disciplinary Review Board	04/08/15 – Chief of Police removed Sustained Integrity allegation. Remaining allegations still under appeal.

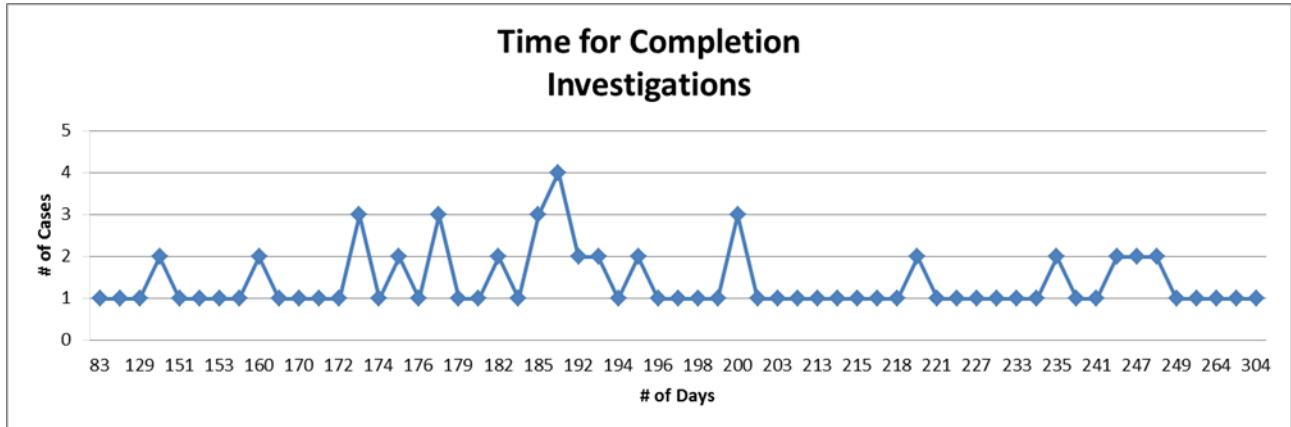
2015 Appeals			
Case Numbers	Appealed Cases (allegations)	Appeal Date	How Appealed
2014-0233	Use of Force: When Authorized	4/24/15	Disciplinary Review Board
2014-0377 2014-0544 2014-0842	Integrity & Ethics: Employees Shall Not Use their Position or Authority for Personal Gain	3/24/15	Public Safety Civil Service Commission
13-IS-0493	Violation of Rules / Regulations	1/28/15	Grievance arbitration

For more information about cases appealed in 2015, visit OPA's Closed Case Summary page on its website. These Summaries include information about the complaint, investigation, analysis and outcome.

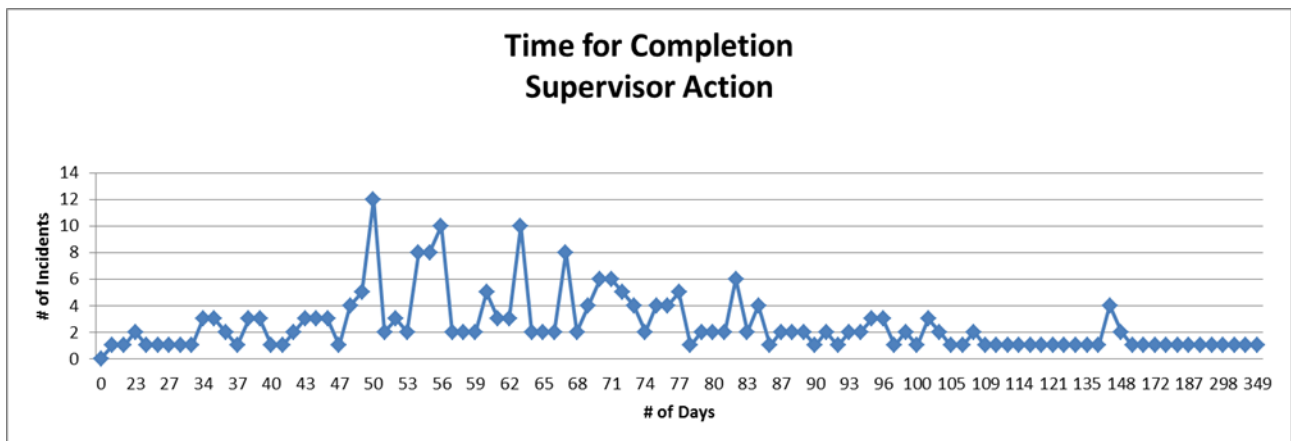
Other Appeals Pending			
Case Numbers	Appealed Cases (allegations)	Appeal Date	How Appealed
13-IS-0470	Primary Investigations	6/24/14	Disciplinary Review Board
13-IS-0442	Professionalism / Derogatory Language Professionalism / Profanity Emergency Vehicle Operations	6/24/14	Disciplinary Review Board
13-IS-0479	Professionalism / Exercise of Discretion Primary Investigations	7/17/14	Disciplinary Review Board
13-IS-0287	Honesty	7/17/14	Disciplinary Review Board
13-IS-0225	Violation of Law	8/14/14	Disciplinary Review Board
14-IS-0099	Violation of Rules / Regulations Insubordination	8/19/14	Disciplinary Review Board
13-IS-0481	Professionalism / Profanity	10/14/14	Disciplinary Review Board

TIMELINE

Investigations which have sustained findings must be completed in 180 days in order for discipline to be imposed (95 cases closed this period). OPA met this deadline for every case with sustained findings. Excluding nine cases which were first investigated criminally and then administratively by OPA, the median time to close investigations was 194 days. In 2014, excluding eighteen cases which were first investigated criminally, the median time for investigations closed between January and June was 183 days.



Supervisor Actions do not have a contractual deadline to meet. OPA strives to complete Supervisor Action cases within 60 days (257 cases closed this period). The median time to close SA's was 67 days. This includes time the supervisor takes to address the complaint with the employee, contact the complainant to provide information, create the appropriate documentation and send the SA back to OPA for review/approval. In 2014, the median time for Supervisor Actions closed between January and June was 74 days.



MEDIATION

One case was selected for mediation during this time period.

CRIMINAL INVESTIGATION

At the end of June 2015, there were 23 cases under criminal investigation. During the first half of 2015, seven cases were closed that had previously been under criminal investigation.

III. Management Action Recommendations

2015 NEW RECOMMENDATIONS

SeaPark Garage, February 13

The OPA Director recommended that the SPD Policy Manual be amended to provide clear guidance to SPD employees concerning where they may and may not park in the SeaPark garage. *Complete: SPD issued an amended policy effective June 1, 2015 that fully addressed this recommendation.*

Free Housing Benefit, April 20

The OPA Director recommended that SPD identify any employees who are receiving a benefit such as free housing from a non-SPD third party in connection with their position as a SPD employee. Any such arrangement found should be immediately reviewed to determine its appropriateness and whether it should continue. SPD should establish a clear policy and/or practice by which all such arrangements in the future will be adequately scrutinized for actual or apparent legal prohibitions or ethical barriers. Any such arrangement should require approval by the Chief of Police.

OPA investigated an employee for allegations he improperly accepted rent-free housing from the Seattle Housing Authority (SHA). The investigation revealed that while the initial arrangement for the use of free housing by the employee was part of a program initiated by SHA, the arrangement was not reviewed by any senior management at SHA, SPD, the City Attorney's Officer or the Seattle Ethics and Elections Commission and there was no written agreement for the arrangement between the parties.

King County Court Mandatory Screening, May 22

The OPA Director recommended that SPD clearly articulate through policy and/or directive to its commissioned personnel the conditions under which they are permitted to state they have "official agency [SPD] business" inside the King County Superior courthouse and are thus exempt from Mandatory Screening.

Through an investigation into a case whereby an employee brought a weapon into a courthouse while stating he was on official business, OPA determined that the employee and chain of command were confused or misinformed about what qualified as "official business" of the SPD.

Operation of Police Bicycles, June 1

The OPA Director recommended that SPD clearly articulate through written policy and/or procedure clear guidelines for the safe operation of police bicycles.

Through an investigation into allegations that an officer's bicycle struck the complainant's leg while riding by, OPA discovered that there is no clear policy which addresses police bicycle operations.

2014 MANAGEMENT ACTIONS RECOMMENDATIONS STATUSES

Four recommendations made by the OPA Director in 2014 are in the process of being addressed by SPD as reported in OPA's 2014 Annual Report. These recommendations include addressing excessive overtime spending in the Education and Training Section and implementing systematic controls throughout SPD, creating clearer guidelines and increased supervision with respect to photo line-ups, improving processes for ensuring SPD officers appear in court as required by subpoena, and making process changes to ensure review of force incidents by chain of command are not delayed due to employee absences.

IV. Moving Forward

OPA will ensure that when a case has a Not Sustained (Training Referral) finding, the employee's chain of command completes the training as directed by OPA. OPA will also retroactively ensure that training for all cases completed in 2015 was conducted.

OPA is working with the IT Department to develop a real-time data "dashboard", which will assist OPA in managing workflow. This dashboard will provide OPA with tools, which the current case management software does not have.

OPA is working on a program design for an innovative mediation and alternative dispute resolution program. OPA currently offers formal mediation as an option for resolving complaints, however, a new model will be more appealing to both persons who file complaints and employees.

Seattle Police Monitor Merrick Bobb indicated in his Third Year Monitoring Plan (2015-2016) that he would be conducting an assessment of "the extent to which OPA is continuing to investigate use of force complaints objectively and thoroughly, and OPA's processes, procedures, and investigations conform to the various provisions of the approved OPA Manual." OPA looks forward to the results of the Monitor's assessment and any suggestions for improvement it may contain. OPA continually strives to improve its processes, procedures and investigations, and welcomes the opportunity to do so with recommendations made by the Monitor.