

MAR #	Closing Date	Issue	OPA Recommendation	SPD Response
18-0022	11/30/2018	<p><b>TASER USE ON NON-VIOLENT, FLEEING SUSPECTS;</b> OPA #17-0318: In this case, one of the allegations was that the Named Employee utilized his Taser in potential violation of policy. The subject upon whom the Taser was used was fleeing from the officer at the time and was running on the pavement. The subject had previously been involved in a vehicle pursuit that had resulted in a crash. Prior to the Taser being used, the subject had tried to climb a fence and had been pulled backwards by the Named Employee. The Named Employee described that he and the subject circled each other, the subject ran away, and the Taser was then used. The Named Employee did not allege that the subject ever attempted to assault him, raised his fists, or engaging in any violent behavior towards him. The Named Employee justified his application of the Taser based on his belief that the fleeing subject represented a threat to himself, the Named Employee, other officers, and the public. The Named Employee further stated that he believed that, if he was required to go hands on with the subject, it was likely that both he and the subject would suffer injuries.</p>	<p>OPA initially sustained the OPA Complaint, but at employee meeting, COC disagreed with the finding stating that Ofc. was acting in accordance w/training. Upon further review, OPA reversed the finding but stated they had significant concerns with the training being provided and with the Taser policy. Recommend that the Training Unit consider amplifying the Taser training to include the following:</p> <ul style="list-style-type: none"> <li>• Additional scenarios involving fleeing subjects;</li> <li>• More robust education on the potential risks of harm when a Taser is used on a fleeing subject and particularly a suspect running at full speed on a hard surface;</li> <li>• Clearer guidance as to what constitutes an imminent risk of harm justifying use of a Taser;</li> <li>• More explicit explanations of what constitutes the “public safety interests” that are referenced in the second prong of the Taser policy and what conduct is sufficient to meet the requisite “level of resistance” from the subject; and</li> <li>• Clearer instruction as to the Department’s expectations in this area and an evaluation of whether a bright-line rule can be applied, rather than having the decision as to whether to use a Taser on a fleeing subject be a completely subjective determination.</li> </ul>	<p>This MAR was assigned to former Chief Operations Officer for consideration in the last policy revision of the Use of Force policies. No policy revision was done at that time but may be considered for the early 2019 use of force policy review. Meanwhile, the topics listed were re-emphasized in the initial and re-certification Taser training by the Education and Training Section. At this time, the Department considers this MA closed.</p>

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18-0023	11/28/2018	<p><b>PURSUIT POLICY:</b> OPA 17-0420: This case involved an out of policy pursuit in which several officers were engaged. One of the officers told OPA during his interview that he was only involved in the pursuit, which he realized was out of policy, because he was trying to ensure the safety of another officer, who was, for a period of time, the only unit involved in the pursuit. The officers' supervisor failed to have the trailing officer complete a Blue Team Vehicle Pursuit Entry. In explaining why he failed to do so, the supervisor told OPA he did not believe this officer was required to complete documentation because he was not "involved" in the pursuit as indicated by the policy. In support of this assertion, the supervisor contended that the officer was not pursuing but was only trying to ensure the safety of a fellow Department employee.</p>	<p>OPA does not view this language as being as ambiguous as both the trailing officer and supervisor appear to believe. However, OPA recognizes that "involved" officer could be further defined to make clear that it refers to any officer engaging in conduct that constitutes a pursuit under the policy, regardless of the purpose for engaging in this conduct. The policy should make it clear that all such officers should document their actions in a Blue Team Vehicle Pursuit Entry.</p>	<p>OPA noted they do not believe the policy to be as ambiguous as asserted by the named employees, and I concur. The policy language is clear as it pertains to the scenario presented in this case and does not warrant change at this time.</p>

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18-0024	1/22/2019	<p><b><u>HIGH RISK VEHICLE STOPS &amp; ID REQUIREMENT FROM HANDCUFFED/DETAINED SUBJECTS:</u></b> OPA # 17-0667: OPA investigated a case in which a Terry stop was effectuated on a car. The stop was requested by 2 officers who viewed it drive away from the scene, but was effectuated by four other officers who received a dispatch asking that the stop occur. OPA determined &amp; the chain of command agreed, that there was insufficient reasonable suspicion supporting the stop. During the stop, (high-risk vehicle stop) the 4 occupants were removed from their car, handcuffed, frisked, and placed in the rear of a locked patrol vehicle. After that point, it became clear to the officers that the detained individuals were not involved in the underlying crime; however, they were kept handcuffed in the rear of the patrol vehicle and officers requested their identifying information. The officers provided conflicting information as to why this information was requested. One officer indicated that it was requested so that the officers could determine whether the detained individuals were related and to get their contact information. Another officer said the information was requested to run the individuals for warrants.</p>	<p>6.220-POL-6 states that “ofcs cannot require subjects to identify themselves/answer questions on a Terry stop” &amp; “subjects are not obligated to provide identification upon request &amp; have the right to remain silent.” The policy has 3 exceptions none of which applied in this case. Ofcs contended that they didn't require ID, simply requested it. While true, it ignores the fact that no one who is handcuffed in the back of a patrol car would feel that this request could be refused. 4th Amendment case law provides legal authority for a request for ID during a Terry stop, the request must be “reasonably related to the detention.” It's unclear how the request was reasonably related to the detention because reasonable suspicion for the stop had already dissipated when it was made. This raised concerns regarding lack of high-risk vehicle stops in policy &amp; the absence of formal guidance re:requirements &amp; limitations of such stops. OPA recommends that the Dept draft a policy governing when it's appropriate for ofcs to conduct high-risk stops &amp; what conduct officers may engage in during those stops. The Dept should also clarify in policy/training whether, once the reasonable suspicion for Terry has dissipated, an ofc remains permitted to request identifying information from a handcuffed and detained individual.</p>	<p>The Department considers this more of a training matter than a policy matter. To that end, the Education and Training Section will be teaching High Risk Vehicles Stops this year and I have directed that these circumstances be covered in that training. Additionally, Policy 6.220 has been recently updated to clarify many aspects.</p>

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18-0025	4/20/2018	<p><b><u>LOGGING IN/OUT OF SECONDARY EMPLOYMENT AT LARGE SCALE EVENTS:</u></b> OPA # 17-0755: In this case, OPA investigated an employee's failure to have a valid secondary work permit for his employment at Safeco Field. During its investigation, OPA determined that the Named Employee did not log in and out via radio, as required by SPD Policy 5.120(II). OPA discussed this matter with the Named Employee's chain of command and was informed that, even though this was a requirement of the policy, officers were instructed that they were not required to do so when working secondary employment at large-scale events, such as baseball, football, or soccer games.</p>	<p>The reason for this modification of the log in and out requirement makes sense – where numerous officers are working an event, it is more practical and time efficient to have one supervisor log all the employees in and out at one time. Indeed, the Department has a form that is utilized for exactly that purpose. OPA agreed with the chain of command that this modification of the policy was appropriate, but asked that the policy be updated to reflect that this was an acceptable practice.</p> <p>After this discussion and the issuance of the Director's Certification Memo containing this MAR, this policy was, in fact, updated to formalize an exception for large-scale events. The new language is consistent with OPA's recommendation. As such, no further action needs to be taken.</p>	<p>This policy was updated to formalize an exception for large-scale events. The new language is consistent with OPA's recommendation. As such, no further action needs to be taken.</p>
18-0026	9/11/2018	<p><b><u>FOOT PURSUITS &amp; DECISION MAKING:</u></b> OPA # 17-0813: OPA noted that SPD policy provides no guidance on when it is appropriate for an officer to engage in a foot pursuit. By not providing any policy governing when a foot pursuit is appropriate and under what circumstances the risk of harm to the officer, the subject, and the public outweighs the inter</p>	<p>OPA recommends that the Dept consider developing a policy detailing when foot pursuits are appropriate, evaluating whether it expects ofcs to engage when subj is suspected of misd or only a citable offense. Should provide guidance re: risk of harm to ofcs, subject &amp; public outweighs the law enforcement interest in making the arrest. and what force is appropriate during such pursuits. OPA advises the Dept to include in training a discussion of officer decision-making when using force. OPA believes the Dept needs to better train ofcs to consider the downstream consequences of their actions prior to using force.</p>	<p>The Department considers this matter implemented and closed. The lessons learned from the incidents have been incorporated into Phase 3 of our training. Scenario training includes foot pursuits and decision-making of when it is reasonable to pursue and when not to pursue, balancing the offense at hand, and the risk to the subject, the officer, and other persons. The session is mandatory training for all officers and should wrap up by the end of August.</p>

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18-0027	7/25/2018	<b>REPORTING POTENTIAL MISCONDUCT:</b> OPA # 17-0813: This case involved allegation of excessive force made by the subject in the presence of an officer. The officer claimed that he relayed it to a supervisor, but the supervisor denied that this occurred. Even assuming that he did report the allegation to a supervisor, OPA found that the officer still violated policy because he also did not report the claim of excessive force to OPA. Notably, SPD Policy 5.002-POL-6 requires that officers report allegations of serious misconduct – which includes excessive force – to both a supervisor and OPA. At the discipline meeting in this case, the Officers’s chain of command told OPA that, while they agreed that the policy compelled reporting to both a supervisor and OPA, officers were being trained that they only needed to report to one or the other, not both. While this direction may make practical sense, it is telling officers to do something that is contrary to the explicit language of the policy.	OPA recommends that the Department do one of the following: (1) train and instruct its officers to do what the policy says; or (2) amend the policy to remove the requirement that an officer report misconduct to both a supervisor and OPA, with the understanding, however, that other protections are built into the policy. With regard to the latter course of action, OPA also recommends that the Department establish procedures to ensure that misconduct is still ultimately reported to OPA. For example, OPA believes that the Department could require that officers record their reporting of misconduct to a supervisor on video or, in the alternative, that they memorialize and report the allegation in an email sent that same day to a supervisor. This would ensure that there were no situations where an officer claimed that they reported and the supervisor denied that this occurred.	Action taken: Title 5 of the Seattle Police Department Manual, Employee Conduct, was updated on July 15, 2018. 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, was amended to remove the requirement that an Officer report misconduct to both a supervisor and OPA (5.002-POL-6). An excerpt from the revised policy is posted below: <ul style="list-style-type: none"> <li>• Employees will report any alleged minor policy violation to a supervisor</li> <li>• Employees will report any alleged serious violations to a supervisor or directly to OPA</li> </ul> This MAR Recommendation is closed. The required policy revision was completed and released on 7/15/18, Section 5.002 Pol-6
18-0028	7/2/2018	<b>DE-ESCALATION:</b> OPA # 17-0909: In an attempt to stop a fleeing suspect Officers positioned themselves in the path of the bicycle she was riding. She swerved to avoid ofc and fell off bike. OPA cited the ofc for failure to de-escalate. Ofc COC disagreed that de-escalation was possible with a moving targets, i.e.person on a bicycle. This case was the most recent of a number of cases in which disagreement over de-escalation issues.	The De-escalation policy is consistently one of the most challenging policies to apply and evaluate. OPA recognizes that this policy like many others is subjective and does not have a suggestion for an immediate fix. Instead OPA is identifying some concerns and its belief that it may be time to look at revising, clarifying and improving the policy.	Under the Sustainment Plan, the review of the De-Escalation Policy is part of the Use of Force policy review, the draft of which is due on or before 6/30/18. We shall review the policy with this Management Action in mind.

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18-0032	5/23/2018	<b>BIAS REVIEW:</b> OPA 17-0938; This Management Action relates to eight OPA cases that raised concerns regarding SPD's Bias Review policy where in some cases the actions taken by SPD were contrary to the policy despite officers' best efforts to the contrary. This MAR seeks to correct several flaws in the policy including a conflict in policy as to the referral of bias allegations as serious misconduct versus a Bias Review and the unworkable subjective requirement that a Bias Review may only be completed when the sergeant can demonstrate that the matter has been resolved to the complainant's satisfaction.	OPA proposed several changes to SPD Policies 5.002-POL-5, 5.140-POL-6 and 5.140-POL-7. OPA suggests the Department should modify the policy to instruct sergeants that a Blue Team Bias Review is appropriate if two elements are met: 1.) the Sgt believes that the allegation of bias is without merit; and 2.) OPA's contact information has been offered and the complainant either did not wish to proceed with a complaint or did not respond. Additionally, where complainants are reasonably believed to be experiencing homelessness, supervisors should endeavor to provide OPA contact information directly to the complainants. The Department should also reaffirm in training the policy's requirement that supervisors provide specific information to complainants regarding how to file OPA complaints	SPD agrees that the language identified is problematic and APRS currently has the policy in its queue to address and will work cooperatively with OPA and CPC to make the necessary revisions. While the Bias policy revision is not yet finalized, it is under review within the Sustainment Plan and has been sent out to the parties, ultimately to be filed with the federal court. Language was changed in Policy 5.140 to reflect the recommendation of OPA.
18-0040	11/30/2018	<b>ICV:</b> OPA # 17-0270: This Management Action Recommendation relates to OPA case 2017OPA-0270 in which OPA investigated an allegation that an officer improperly shut off his In-Car Video (ICV) prior to concluding his law enforcement activity. Though his actions were inconsistent with existing SPD policy, the officer raised the concern that the ICV policy fails to include an exception, similar to the exception provided in the Body Worn Camera (BWC) policy, which permits officers to stop recording as long as the employees "state on the recording their intention to stop recording and explain the basis for that decision." OPA foresees numerous scenarios in which it would be reasonable, if not advantageous, to include this exception for ICV recording and recommends SPD update the ICV policy regarding the exception.		While the Department appreciates the suggested Management Action by OPA and its potential value, it is inconsistent with Washington State law and therefore there will be no policy change at this time.

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18-0041	5/3/2018	<p><b><u>SIGNING INTO TRAINING:</u></b> OPA # 17-0705: OPA investigated an allegation that an officer failed to attend mandatory trianing. Ofc told OPA investigator he was sick and had called his supervisor to advise. He was unaware of what steps his Sgt took to reschedule him. OPA learned that ofcs are not able to register themselves for training, that supervisors do so. OPA is unclear why this is the case and feels it is a waste of Supvs time to be responsible for this.</p>	<p>OPA recommends that the Department consider shifting the responsibility for registering for training from supervisors to officers. To the extent there is a reason why this is not feasible or inadvisable, please provide that information to OPA</p>	<p>SPD has considered the Recommendation and respectfully declines based on several factors including:</p> <ul style="list-style-type: none"> <li>• Manage Squad/Precinct/Section Resources: Supervisors are tasked with the responsibility to manage day-to-day staffing needs. Much like an officer being required to request permission to take a day off, or attend outside training, it is necessary to have supervisors manage when a subordinate employee will be attending in-service training.</li> <li>• Supervisor/Employee Engagement: When a supervisor is tasked with signing up their subordinate for training, the supervisor is put in a much better position of monitoring training needs and goals. If the supervisor is left out of this loop, the supervisor is at a distinct disadvantage with that employee and their ongoing development.</li> <li>• Manage Training Resources: We have found that when a supervisor is tasked with managing their employee's training, they are more likely to register their employee's early, rather than wait until the end of the training cycle, and then learn that there are no available dates. This allows us to calculate how many classes we will need in order to get everyone trained, and not unnecessarily add classes at the end of a training cycle - which is an added and unnecessary expense to the training.</li> <li>• Manage Missed Training: We have fewer folks missing training now that supervisors are more in-tune with what training their employees attending.</li> </ul>

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18-0042	4/1/2019	<p><b><u>DUI INVESTIGATIONS:</u></b> OPA # 17-0820: This case involved an arrest of an individual for suspected DUI. A Student Officer and his Field Training Officer (FTO) effectuated the stop and arrest. At the scene, the Student Officer conducted the DUI investigation with some difficulty. Upon their return to the precinct, the Student Officer was tasked with generating the DUI paperwork, using the Blood Alcohol Content (BAC) machine, and printing a BAC ticket. There were a number of deficiencies with the DUI paperwork, and an incomplete DUI packet was submitted to the prosecutor, even though it was reviewed and approved by the FTO. There was also a significant anomaly with the use of the BAC machine and the printing of the BAC ticket, which resulted in OPA investigating both officers for potential dishonesty (these allegations were Not Sustained – Inconclusive for the Student Officer and Not Sustained – Unfounded for the FTO).</p>	<p>it appears that the vast majority of patrol officers lack experience and sufficient training in conducting DUI stops and arrests and the resulting paperwork that must be generated. Given this, OPA recommends that the Department consider retraining all patrol officers, or at the very least those officers expected to engage in DUI investigations, on the following:</p> <ul style="list-style-type: none"> <li>• DUI arrests, generally;</li> <li>• How to conduct sobriety tests;</li> <li>• The usage of Preliminary Breath Tests;</li> <li>• The usage of BAC machines and the printing of BAC tickets; and</li> <li>• The mandatory requirements for the contents and submittal of DUI packets.</li> </ul>	<p>The training mentioned in this Management Action Item is already operational and according to the Traffic Safety Resource Prosecutor, the quality of SPD’s impaired driving investigations has shown a constant improvement since 2016 when we started to increase our impaired driving enforcement training during both In-Service and Post BLEA training. Specific details of all of the training is contained within the blue team module.</p> <p>Additionally, in response to this Management Action, in 2018 SPD updated and published the 3 specific Training Digests concerning impaired driving investigations for all officers.</p> <p>Over the next two years, the Education and Training Section, in partnership with our Traffic Safety Resource Prosecutor, will launch a 4-part Impaired Driving Roll-Call training.</p> <p>The SPD consistently provides extensive DUI training to SPD officers. I consider this matter closed.</p>



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18-0043	12/10/2018	<b><u>DOCUMENTING TERRY STOPS:</u></b> OPA# 17-0967: In this case, the Named Employees detained an individual who was in a City park after hours. The officers did not arrest this individual and, instead, released him after requesting and obtaining his identification and running his name for warrants. Even though the individual was detained for a prolonged period of time, the officers did not document the detention using a Terry Template. The officers explained to OPA that, at the time of the detention, they had probable cause to arrest the individual for trespassing. As such, they believed that they had no obligation to generate a Terry Template.	While OPA does not believe that these officers intended to violate policy, their failure to document this detention anywhere not only violated SPD policy but also City law. Accordingly, OPA recommends that the Department clarify SPD Policy 6.220-POL-10 to make it abundantly clear that when officers perform a Terry stop, a Terry template is required to be completed each and every time. The Department should further clarify that this is the case regardless of whether the officers had probable cause to arrest at the time of the Terry stop. What ultimately controls for the purpose of reporting is the nature of the stop. Lastly, the Department should include in its policy that this requirement is a requirement under City law and should cite to SMC 14.11.060(C).	SPD consulted with the Chief Legal Officer and the Policy Committee regarding this specific case and concluded that a Terry template was not required where probable cause already existed, and therefore a policy revision addressing this particular matter is not required. That said, the Terry policy was updated as part of the Sustainment Plan and approved by the DOJ, the Monitoring Team, and the federal court. The policy will be published in December, 2018.
18-0044 - 18-0045	3/22/2019	<b><u>MAY DAY 16 - USE OF LESS LETHAL FORCE TOOLS:</u></b> OPA # 17-0571: The primary allegation was the use of less lethal force tools on demonstrators during the May Day in 2016. Policy 8.300-POL-8 requires that "Specialty units that utilize unique weaponry will maintain unit manuals and training records which contain an inventory and specific guidance for each weapon". A request to review those documents was made to SWAT, but nothing was ever received.	The Director recommended SPD ensure that these materials exist within the custody of SWAT and are regularly updated. Additionally, that the Dept ensure that specific guidance for the use of these weapons exists in writing and are provided to and understood by SWAT personnel.  If the materials do not exist, the Dept should ensure that SWAT and any other specialty unit that has such weaponry create and upkeep the manuals and training records required by SPD Policy 8.300-POL-8.	In 2018 SWAT began drafting updates to their existing Unit Manual. APRS provided SWAT with assistance and in March 2019, SWAT finalized updating the manual except for portions that need to be bargained with labor. Confirmation of the existence of the updated manual was done by SPD Leadership.

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18-0046	9/11/2018	<b>SECONDARY EMPLOYMENT - CHARITY:</b> OPA # 16-0719: This Management Action Recommendation is related to OPA case 2016OPA-0719 in which OPA investigated an allegation that two officers worked secondary employment without a valid and approved work permit, potentially in violation of SPD Policy 5.120(IV). During their OPA interviews, both employees stated that, while they were paid for their work, they donated that money to charity. As such, they considered their secondary employment to constitute volunteer work and did not believe that they were required to obtain work permits in advance of engaging in that employment. The policy does not explicitly discuss volunteer work or work for which an officer is being paid but where that payment is being donated to charity.	OPA recommends that the Department provide clear guidance to its employees in regard to volunteer and charity-related secondary employment.	The Department policy specifies that working as an officer in an off-duty capacity requires a secondary work permit. DPP 5.120, Pol-1 (4) states "Employees must request approval for all law enforcement related off-duty employment and business activities." Donations of pay for such off-duty work is a personal decision.
18-0047	11/29/2018	<b>COLLISION REVIEW BOARD:</b> OPA # 17-0031: This case arose out of a patrol vehicle accident in which an employee failed to put his vehicle in park when he got out and the vehicle rolled over the legs of the subject. While no significant injuries occurred, it was still a significant error by the employee and an easily avoidable accident. The accident was reviewed by the Collision Review Board (CRB) and referred - apparently in error - to the former A/Chief of the Investigations Bureau. While the A/Chief approved the CRB's finding and agreed that the accident was preventable, he failed to forward his approval and recommendations for any discipline and/or re-training to the Chief of Police. As such, the Chief at that time did not have the opportunity to issue any such discipline and/or re-training.	As a result of its investigation and the concerns identified, OPA recommends that SPD's Command Staff be reminded of their obligations under SPD Policy 13.015 generally (and 13.015-PRO-1 specifically) to recommend potential discipline and/or re-training and to forward those recommendations to the Chief of Police in a timely manner. Without this clarification, the Department risks harming the legitimacy of SPD's administrative investigation processes and creating mistrust in the community. Moreover, the Department should take steps to ensure that CRB rulings are properly forwarded to the correct Bureau Chief. It is OPA's understanding that this policy is currently being re-evaluated and revised by the Department. If this is the case it may obviate the need for this MAR.	On Monday, 10/15/18, at 1000 hrs in the Executive Command Staff meeting attendees were reminded of their obligations under policy regarding department vehicle collisions. Specifically regarding making recommendations for training and/or discipline and then to forward the blue team entry to the Chief. A copy of the collision investigation policy was provided to each person and the policy was reviewed in the meeting. All indicated they understood. This matter is closed.

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18-0048	11/29/2018	<p><b>ICV - EXCEPTIONS TO STOP RECORDING:</b> OPA # 17-0270: OPA investigated an allegation that an officer improperly shut off his ICV. When interviewed he explained that he turned it off in order to show Metro supervisors the interaction he had just had. The officer raised concern that the ICV policy was flawed in that it failed to allow for such conduct.</p> <p>Under the current policy (16.090) officers are not permitted to turn off their ICV systems until the conclusion of their law enforcement activity related to an incident. No exceptions exist, unlike BWC, where there is language regarding what to do if ICV is turned off during the incident. (duplicate of 18-0040)</p>	Recommend that the Department consider revision to provide guidance for when/how ICV can be turned off. OPA recognizes may be good reasons not to make changes, simply asks that the Department review and if they choose not to revise inform OPA of reason why.	<p>4/10/18: SPD acknowledges that there is no preface that allows for reasonable deviations from the policy, which was removed under the Consent Decree. Welcome dialog with OPA and other stakeholders to revisit this issue. Did send the MA to APRS for their information as they discuss revisions to ICV Policy.</p> <p>SPD is closing out this Management Action; it is a duplicate of 2018COMP-0040. All action will be taken under 2018COMP-0040.</p>
18-0049	11/29/2018	<p><b>ICV-VERIFY ICV IS WORKING:</b> OPA # 17-0937: During its investigation of this case, OPA determined that the Officer's ICV system recorded video but failed to record audio. At his interview, he stated that he logged into his system, synched his microphone, and engaged in all other necessary steps to ensure that both his ICV video and audio were working. He further stated that he saw no evidence from his review of his microphone that it was low on battery. OPA found that the battery of the wireless microphone was not fully charged &amp; the failure to fully charge the microphone, potentially coupled with distance of the microphone from the receiver, resulted in the lack of audio. The previous iteration of this policy required that officers conduct a ICV system check before their shift. This was recorded to verify that the system was working and to catch any problems. The amended policy removed the system check and, created a potential gap that was exemplified by this case. Moreover, it was unclear, based on OPA's reading of the policy, how officers were now expected to verify that their ICV systems were working prior to beginning their shifts.</p>	<p>During its investigation, OPA also learned that sergeants were now expected to assign ICV wireless microphones to officers prior to their shifts and to verify that these microphones were fully charged. However, that obligation was not contained in policy and it was unclear whether it occurred in this case.</p> <p>As such, OPA recommends that the Department consider amending SPD Policy 16.090-TSK-1 to explain how officers are expected to verify that their ICV wireless microphones and BWV systems are fully charged and to inform officers what the appropriate level of charging is prior to them utilizing those systems in the field. This will, in OPA's opinion, provide clarity to both officers and OPA. Moreover, if it is the Department's expectation that sergeants will bear some responsibility for verifying that the wireless microphone batteries are charged, it should also consider memorializing those specific obligations and expectations in policy.</p>	The Department considers this Management Action closed and concur with APRS on their recommendation that a policy change is not advised at this time. The policy and practices that are in place are designed to ensure proper battery charging and functioning but cannot prevent occasional equipment failures.

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18-0050	11/29/2018	<b>ICV-FOLLOWING AMBULANCES:</b> OPA # 17-0751 & 17-1131: In both of these cases, Department employees failed to activate their In-Car Video (ICV) systems when they were following ambulances transporting subjects to Harborview Medical Center.	These cases were virtually identical to another case (2017OPA-0504) in which OPA issued a MAR requesting that the Department clarify the ICV policy regarding whether it expects its officers to record in these situations. In that same MAR, issued on December 7, 2017, OPA requested that the Department also evaluate the current list of law enforcement activities that are required to be recorded and determine whether that list needs to be amplified or clarified. It is OPA's understanding that the Department is presently working on modifications to this policy consistent with OPA's recommendations; however, OPA renews this MAR herein.	APRS published a SPDall email on 9/18/18 providing guidance on this issue. The Training Cadre also reiterated this requirement during Active Threat Response and De-Escalation Tactics Training (Training Cycle: October 3 - November 30). Guidance has also been incorporated into 16.090 In-Car and Body-Worn Video; the updated policy is effective January 1, 2019. " This topic has been well addressed through Training and also through Policy. The Department consider this matter closed.
18-0066	1/22/2019	<b>POSTING INFORMATION ON PERSONAL SOCIAL MEDIA:</b> OPA # 17-0511:Employee allegedly violated policy when he posted a message on his personal Facebook account that concerned an open investigation, included confidential criminal information, and identified a minor. Policy 1.110 Public Information addresses the release of information to the media and specifically prohibits the release of much of what was contained in the employee's Facebook post. Although the employee had Facebook friend that he knew were active members of the media and who had access to his page, it is unclear whether his posting of sensitive & confidential material constituted a "release" to media as contemplated by policy.	Modify policy 1.110 - Public Information - POL-1 General Policy (2) to define "release" as it pertains to employees disseminating information to the media via social media. The definition should clarify that a "release" includes posting law enforcement information on social media.	This issue is not a 'media release' issue under Section 1.110. The more relevant policy would be 5.125 Social Media which addresses information dissemination, specifically, POL 2(2), which states in part, "Employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department." Other sections may also be relevant, depending upon the facts not delineated here, are records release prohibitions under 12.050 Criminal Justice Information Systems and 6.290 Juvenile Investigations and Arrests. The Department considers this matter closed.

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18-0067	1/2/2019	<b>ICV/BWC:</b> OPA # 17-1301 & 18-0101: The Named Employee felt he met the requirements of the BWV policy because he interpreted it as requiring an officer to record on ICV or BWV, but not necessarily on both. -OPA interprets the policy as requiring that, when equipped with both ICV and BWV, both systems must be activated for each call response. The Named Employee's understanding of this policy is inconsistent with the reasoning behind equipping officers with BWV in addition to ICV, which is to have a second mechanism to more fully record law enforcement activity, not to have discretion to choose which camera to utilize.	Modify 16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity to clarify that if officers are equipped with both ICV and BWV, they shall record on both systems. The new policy subsection could read: "Officers equipped with both ICV and BWV shall utilize both systems simultaneously when recording is required under 16.090-POL-1(5)(b). The failure to activate one or both systems constitutes a violation of policy and must be documented and reported consistent with 16.090-POL-1(4) and 16.090-POL-1(7)."	Guidance has been incorporated into updates to 16.090 In-Car and Body-Worn Video, effective January 1, 2019.
18-0068	1/5/2019	<b>SEARCH &amp; SEIZURE:</b> OPA # 17-1132 & 18-0053: In the first case, prior to searching a residence for a suspect, the employees failed to provide the subject with (and have her execute) a Consent to Search form. They also did not provide Ferrier warnings. In the second case, the employees may have violated the Complainant's constitutional right to be secure against an unlawful search and seizure when the arrested him while he ws still within the threshold of his residence.	Provide Department-wide training on search and seizure law and policy 6.180 -Searches-General. They training should specifically discuss the requirement that subjects be completely outside of the threshold of their residences before arrests can be properly effectuated.	Beginning in July 2018 Sergeants and above are required to review the monthly Washington State Law Enforcement Digest and provide training regarding case law and legal findings contained within the Digest to their subordinates. Compliance with this ongoing requirement is tracked through the City's Cornerstone Training Database.

MAR #	Closing Date	Issue	OPA Recommendation	SPD Response
18-0070	2/4/2019	<p><b><u>FAILURE TO CARRY TASER/SUPERVISE:</u></b> OPA # 17-1196: SPD Policy 5.100(III) set forth the general responsibilities of patrol sergeants, including: "Check the personal appearance of assigned officers and ensure officers' equipment is in good condition." OPA's investigation of this case found that such inspections are rarely carried out and sergeants are not held accountable for not doing so. In reviewing a failure of an officer to carry a Taser during an incident, OPA evaluated whether the officer's supervisor failed to ensure the officer was carrying a Taser and/or that the Taser was in working condition. SPD policy 5.100(III) sets forth the general responsibilities of patrol sergeants, including: "Check the personal appearance of assigned officers and ensure officers' equipment is in good condition." OPA's investigation of this case found that such inspections are rarely carried out, and sergeants are not held accountable for not doing so</p>	<p>Modify policy 5.100-Operations Bureau Individual Responsibilities III. Patrol Sergeant B. Field Supervision to clarify the frequency with which a patrol sergeant shall perform inspections to ensure that their officers are carrying the appropriate equipment and determine that the equipment is functioning properly. Train patrol sergeants on their responsibility to perform inspections, including how to conduct an inspection and the frequency with which to conduct them.</p>	<p>Assistant Chief of Patrol Operations Bureau sent out memo to Patrol Operations Bureau outlining his expectations regarding uniform standards and inspections.</p>

MAR #	Closing Date	Issue	OPA Recommendation	SPD Response
18-0071	2/4/2019	<p><b><u>SECURING FIREARMS:</u></b> OPA# 17-1008 &amp; 17-0980: The Named Employees failed to properly enter a firearm into evidence as required by Department policy and the unit manual.</p> <p>-Another Named Employee failed to properly supervise the previously mentioned Named Employee. SPD policy 7.010-POL-1 requires that employees secure collected evidence and place it into the Evidence Unit or an authorized evidence storage area before they end their shift. During their OPA interview, one of the Named Employees contended that SPD policy did not define what an "authorized evidence storage area" was.</p> <p>-Policy 5.001-POL-2 requires that SPD employees adhere to laws, City policy and Department Policy. Although it instructs officers to comply with the SPD Manual, published directives/special orders, and Department training, it does not state that non-compliance with a unit manual, such as the FIT Manual, constitutes a violation of SPD Policy.</p> <p>-The FIT Manual lacks clarity regarding the requirements for FIT Sergeants to actively monitor the investigations conducted by Detectives and to ensure that evidence is timely placed into evidence.</p> <p>-FIT previously did not take custody of rifles or shotguns; rather, such weapons were processed by CSI. OPA suggested that FIT institute this same process for handguns, as it may result in more consistent treatment of and processing standards for all firearms. FIT has since made this change.</p>	<p>Modify policy 7.010 - Submitting Evidence to define what an authorized evidence storage location is and clarify that personal offices are not such authorized locations.</p> <p>-Modify the FIT Manual to:</p> <ol style="list-style-type: none"> <li>1. Clarify that officers will, as soon as feasible, take case evidence to the Evidence Unit.</li> <li>2. Indicate what, if any, other authorized evidence storage locations exist in the FIT unit, noting that evidence should never be stored in personal offices.</li> <li>3. Provide more detail on expectations for evidence handling.</li> <li>4. More clearly define the expectations for the FIT Sergeant (such as memorializing the requirement that the FIT Sergeant check-in with Detectives to determine the location and status of evidence and firearms)</li> </ol> <p>-Train FIT Detectives and supervisors in evidence handling.</p> <p>-Modify policy 5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy to include unit manuals as one of the types of regulations to which officers are responsible for adhering.</p> <p>-Reevaluate the current FIT practice of taking possession and maintaining custody of handguns. (OPA recognizes that this has been implemented since initial conversations about this case occurred, but is noting it here nonetheless.)</p>	<p>In reference to 5.001 - Standards and Duties - POL-2, the draft policy incorporates the modifications requested in this Management Action.</p>

MAR #	Closing Date	Issue	OPA Recommendation	SPD Response
18-0072	11/30/2018	<p><b>BIAS REVIEW:</b> OPA # 18-0072: SPD Policy 5.140-POL - 7 requires that Department supervisor conduct preliminary inquireies into biased policing. The named Employee told OPA he did not know how to do a Bias Review and was not familiar with the Bias Policy, even though he had served as an acting sergeant for 20-25 days per year over the last several years. He further reported that he was not familiar with the policies concerning the investigation and reporting of force as well as policy concerning reporting misconduct. He also told OPA he had not attended SPD's First Line Supervisor Training nor any other type of supervisor training during his 25 years of service.</p>	<p>The named employee was placed in a position where he was expected to supervise without any training on how to do so, per policy 4.020 which mandates "Captains will send officers to Sergeant traing for acitng sergeant assignments over 60 consecutive days." Since his assignment was for less than 60 consecutive days training was not mandated. Modify Policy 4.020 - Reporting and Recording Overtime/Out of Classification Pay 17. Officers assigned as acting sergeant receive training to require that captains send officers to sergeant training prior to any acting sergeant assignment.</p>	<p>This MA was in regards to an acting sergeant in an investigative unit who was unaware of how to do a Bias review. The acting sergeant was not a permanent acting sergeant and only filled in occasionally - less than 60 consecutive days and therefore not required to attend the mandatory supervisor's training. OPA's MA recommended changing Department policy to require all fill-in acting supervisors attend the supervisor training. The Department does not support changing policy at this time that would mandate having acting sergeants (who serve less than 60 days in that capacity) attend supervisor training. It would be very difficult to train all temporary fill-in acting sergeants and would place an impossible burden on the Education and Training Section. All officers are required to be familiar with policy whether as an acting supervisor or not. Regarding this specific incident, the Deputy Chief of Operations, within whose command is the Investigations Bureau, is aware of this MA.</p>