#19

Seattle Police Department

Office of Professional Accountability

2010 Statistics Report

2010 Overview | 2

Complaint Intake and Classification | 3

Officers with Single and Multiple Complaints | 6

Complaints by Precinct | 7

Race/Ethnicity and Gender Data | 8

Frequently Raised Allegations | 9

A Closer Look at Use of Force | 11

OPA Investigative Findings | 12

Complaint Investigation Timeline | 15

Final Discipline Actions | 16

OPA Mediation Program | 17

Conclusion | 18

ABOUT THIS REPORT:

This report provides an overview of complaints processed by the Office of Professional Accountability (OPA) during 2010. Data concerning the numbers and types of allegations filed, information about how cases were resolved, and background on employees named in OPA complaints is presented.

OPA Director Kathryn Olson

June 29, 2011

2010 Overview

Seattle Police Department officers work diligently and professionally to ensure that Seattle continues to be a safe and vibrant community. Most SPD officers are never involved in a misconduct complaint. Nonetheless, in order to ensure that the Department sustains a culture that refuses to tolerate even isolated instances of misconduct, the Office of Professional Accountability is committed to thoroughly and objectively investigating complaints against SPD members. This report provides information on complaints filed and completed in 2010.

- **There was a 20% increase in complaint investigations as compared to 2009**
- **The most common OPA complaint involves officer attitude or courtesy – SPD's new "Justice Based Policing" training program is aimed to address this issue**
- **While the overall use of force by SPD had decreased to 1/5 the national rate by 2009, officers reported using force slightly more often in 2010 and complaints about use of force increased by 30% over 2009**
- **Though the percentage of cases resulting in discipline dipped from 12% to 9%, when combined with training and counseling referrals, the overall percentage of complaints resulting in action with the employee remains about the same – 23%**
- **The average time it took to complete an OPA investigation increased from 159 to 177 days – the increase did not impact discipline decisions, but changes have been instituted to address timeline issues**
- **The number of OPA complaints resolved through mediation more than doubled – however, because citizens frequently declined mediation, OPA will work with OPARB and the OPA Auditor to educate the community about mediation**

A Note on Report Format

Responding to feedback about previous statistical reports, OPA is taking a new approach with this document. The 2010 report uses a "dashboard" style for summarizing data combined with shorter narratives highlighting relevant information and OPA initiatives underway. In each section of the report, key indicators are presented at the top of the page in "dashboard" format, with comparative information for prior years. Where appropriate, trends are noted with arrows.

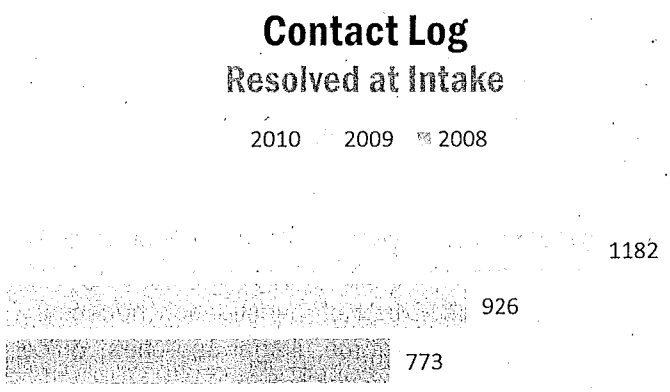
It is hoped that this more concise format will make the statistical presentation easier to understand and be more responsive to the community's interest in the work of OPA.

2010 Complaint Intake and Classification

[illegible]	2008	2009	2010
Supervisory Action (PIR or SR) [1]	350	326	344 ▲
Full Investigation (LI or OPA-IS)[2]	175	176	214 ▲
Mediation[3]	21	14	27 ▲
Total	546	516	585 ▲

The Complaint Intake Process

When a complaint is made to the Office of Professional Accountability, an OPA-Investigation Section (OPA-IS) Intake Sergeant gathers as much information as is readily available about the complaint and related police incident to best understand the concerns and issues being raised. An OPA-IS Lieutenant reviews this information and determines whether the matter has already been addressed at the intake stage or recommends that it be referred to the named employee's supervisor for handling or for a full investigation. The Lieutenant considers the nature of the allegation made and whether the SPD employee involved has had other similar complaints. A single complaint can involve more than one officer and multiple allegations.



The OPA Director and OPA Auditor review the Lieutenant's recommendation before a final decision on complaint classification is made. It is also at this stage that OPA identifies complaints appropriate to refer for mediation.

In addition to complaint intake, OPA handles requests for information and referral. These contacts, entered into a master "Contact Log," have steadily increased to over 1100 in 2010.

---

[1] "PIR" stands for Preliminary Investigation Report and an "SR" is a Supervisory Referral. In both of these classifications, the complaint is referred to the named employee's supervisor. Generally, PIRs are for information only, while SRs require that the supervisory informally resolve the complaint and report back to OPA after contact with both the citizen and the named employee.
[2] An "LI" is a Line Investigation handled by the named employee's Line of Command, usually at the rank of Lieutenant or above. The OPA Investigation Section conducts "OPA-IS" investigations. In both LI and OPA-IS investigations, there are specific requirements about notice, interview procedures and the right to appear before the Chief if certain types of discipline result.
[3] See this report at page 17 for more information about cases handled through the OPA Mediation Program.

Examples of Complaint Classifications:

- **Example of a case classified as a Contact Log:** A citizen calls to complain about a parking ticket and is upset about having to pay the fine involved. There is no specific complaint about the Parking Enforcement Officer who gave him the ticket. The OPA-IS Intake Sergeant would talk with the caller to be sure no misconduct was alleged, and then likely would conclude the matter is resolved. Information about the call is recorded in the OPA-IS Contact Log. The OPA-IS Lieutenant, OPA Director and OPA Auditor all regularly review the Contact Log entries to be sure that no allegations of misconduct requiring further action are overlooked.

- **Example of a case classified for Supervisor Action:** The complainant observes an SPD patrol car double-parked outside of a coffee shop and complains that officers should follow the same rules as citizens and not be allowed to double-park. During intake, OPA-IS would attempt to identify the officers involved and determine their purpose for being at the location. Though officers generally are expected to follow parking regulations, it's possible that they were responding to a call for assistance or engaged in other police activity not immediately obvious to an observer. In that case, the complainant would be informed that his complaint would be sent to the officers' supervisor for information ("PIR"), but that no further investigation would take place. If no law enforcement purpose was identified, however, and the officers did not have a history of similar complaints, the supervisor would be asked to counsel the officers about the situation and to report back to the complainant and OPA ("SR").

- **Example of a case classified for Investigation:** A citizen is stopped for a traffic infraction and later claims that officers physically forced him out of his car and caused injury, though he had indicated willingness to comply when first asked to step out. Such an allegation of unnecessary use of force likely would be investigated by OPA. Under normal circumstances, SPD policy would require that the traffic stop be recorded by the In-Car Video (ICV) system. If there was no recording, a failure to use ICV allegation also would be included. If there is videotape, the tape plays an important role in quickly assessing what happened, the roles of the citizen and officers, and the extent of investigation necessary. Most complaints raising allegations of unnecessary use of force, illegal searches, officer dishonesty or other issues of integrity will be classified for full investigation.

- **Example of a case referred for Mediation**. A Vietnamese man complains after an officer stops him and asks for ID as the man approaches his car parked on the street outside his home. The citizen believes he was stopped because of his ethnicity. During the intake process, OPA learns the officers were searching for a burglary suspect described as Asian and driving a car similar to that of the citizen they stopped. Because the officers had not adequately explained the reason for the stop, which created confusion for the citizen, OPA might recommend the officer meet with the complainant in mediation to share perspectives about the incident.

2010 Complaint Intake Summary

The number of overall contacts with OPA has steadily increased over the years, though the increase in the past has largely been attributed to requests for information or referrals resolved at intake (classified as a "Contact Log"). In 2010, while the number of cases resolved at intake continued to increase, OPA also observed a 20% increase in cases classified for full investigation, either by the named officer's Line of Command (a "Line Investigation" or "LI") or by the OPA Investigations Section ("OPA-IS"). The number of cases referred to the named employee's supervisor for information or resolution also increased in 2010, to a level closer to what was seen in 2008.

There is no clear explanation for the significant increase in the number of cases classified for full investigation. Seattle experienced a number of high profile police incidents in 2010 and the resulting focus on police activity could mean more citizens stepped forward to file complaints.[4] There was also an increase in reported uses of force by SPD in 2010, along with an increase in complaints related to force, as discussed further on page 10. However, despite the increase in complaints, the number of cases where an officer was found to have engaged in misconduct and disciplined decreased in 2010.[5]

Looking Ahead – A More Accessible Complaint Process

Some people hesitate to report police misconduct for cultural reasons, for fear of retaliation, or due to their immigration status. Others state they are uncomfortable with OPA's customary investigation approach. OPA wants to understand how it can make its complaint system more accessible to the wide range of diverse communities found in Seattle. The Director will coordinate with the OPA Auditor and OPA Review Board to get community input about how OPA can more effectively serve all Seattle residents.

Another important initiative for the coming year is a move toward more supervisory involvement in handling citizen complaints. While the most serious allegations (for example, complaints of unnecessary use of force or officer dishonesty) should continue to be handled by OPA-IS, many other matters can be resolved at the outset by supervisors. For example, allegations that the officer was discourteous or exercised poor discretion in a particular law enforcement decision often can be handled by a supervisor. Involving supervisors more with complaint resolution is consistent with SPD's renewed effort to assist sergeants in their role of overseeing officer performance. The OPA Director will be exploring ways to refer suitable OPA complaints to first-line supervisors while ensuring there is a system to monitor appropriate resolution of all cases. As many complaints now are resolved in the field and never reach OPA's attention, the Director also is working to establish a centralized reporting system to ensure all complaints are recorded.

---

[4] Looking at the first 4 months of 2011, the number of cases classified for full investigation is running close to the same level observed in 2010 – not an upward trend but still at rates higher than were typical prior to 2010.

[5] See the discussion on OPA investigative findings on page 12.

Officers with Single and Multiple Complaints

Amount of Complaints by Year	2009	2010	2011	
Officers with NO complaints	79.6%	85.2%	82.5%	▼
Officers with 1 complaint	18%	12.5%	14%	▲
Officers with 2 complaints	1.3%	1.9%	2.7%	▲
Officers with 3 or more complaints	<1%	<1%	<1%	

Using a strength average of 1,340 officers (including all ranks)

Most OPA complaints are filed against patrol officers. Since patrol officers are first responders and they make up nearly 89% of the SPD force, their higher numbers mean that, as a group, they are more frequently engaged in citizen contact that could result in a complaint. In 2010, nearly 65% of allegations filed with the OPA named a patrol officer as the offending employee, while the remaining 35% of complaints were lodged against other ranks or civilian employees.

After a drop in 2009, the number of officers receiving one misconduct complaint increased in 2010, though still not at a level as high as seen in 2008. The percentage of officers with two OPA complaints in a given year has slowly increased, doubling from 17 officers in 2008 to 36 officers in 2010. Less than 1% of the force received three or more OPA complaints, a number that has been consistent over time.

Preliminary data analysis indicates that officers with 3 to 5 years of service receive a higher percentage of complaints than other SPD officers. This is not a statistic that OPA traditionally has monitored but one that will be tracked closely in the future and analyzed in relation to factors such as use of force and arrest rates.

Looking Ahead – Early Intervention System

The Early Intervention System (EIS) and performance evaluation process are undergoing changes to more readily identify employees who may be experiencing stress or other difficulties. A variety of factors serve as indicators that a particular officer might benefit from a work performance review. One indicator considered is the number of OPA complaints received by an officer – if three or more complaints are filed against the officer within a 12 month period, the EIS system will be flagged and a process of review will begin with the employee. The system is based on complaints filed and works independently of whether the matter is Sustained or not.

Also, as complaints are reviewed in OPA during the intake stage, if an employee has multiple complaints raising the same sort of allegations, it is more likely a new complaint will be classified for full investigation. Where a complaint is Sustained following the investigation, the employee's complaint history also will be considered in fashioning appropriate discipline.

Complaints by Precinct

	2009			2010		
	Supervisory Action	Full Investigation	Total	Supervisory Action	Full Investigation	Total
East Precinct	9	18	27	20	21	41 ▲
North Precinct	20	28	48	26	40	66 ▲
South Precinct	11	26	37	16	30	46 ▲
Southwest Precinct	12	11	23	9	19	28 ▲
West Precinct	35	65	100	37	73	110 ▲
Other	3	17	20	4	15	19
						10 ▲

As in prior years, the West Precinct has more complaints than other precincts in 2010, which is likely explained by the fact the precinct covers downtown Seattle and other areas with the highest influx of people each day, generating more police activity. However, both the East and North Precincts had a larger percentage increase in complaints in 2010 as compared to the other precincts. The North Precinct has the highest number of assigned patrol officers, with the second highest assigned to the West Precinct.

SPD commanders receive feedback from OPA about complaints received concerning their precincts during the intake and investigation process, through summary reports, and in presentations at full command staff and other meetings.

Looking Ahead – More Precinct Focused Feedback

While OPA meets with SPD command staff to provide information about misconduct complaint trends and provides specific information concerning named employees and allegations raised in complaints by precinct, an effort is underway to learn what other OPA information would be of use to precinct commanders. The OPA computerized tracking system allows for a great variety of reports to be run on complaint data maintained in the system. The OPA Director is reaching out to Precinct Captains and others to learn how the data can be tailored to serve individual management needs.

Race/Ethnicity Data

	Complainant Data		Officer Data		
Race/Ethnicity	Total Complainants	% of all Complainants	Officers with Complaints	% of all Named Officers	% of Officers in Dept.
American Indian/ Alaskan Native	11	2%	13	2%	2%
Asian/Pacific Islander	19	3%	63	8%	8.4%
Black	133	22%	68	9%	8.6%
Hispanic	14	3%	30	4%	5.5%
White	249	42%	507	66%	76%
Unknown/Not Specified	153	28%	83	11%	--

In 2010, OPA improved collection of data related to the race/ethnicity and gender of complainants, while such information has always been readily available for employees. Demographic information is collected from complainants on a voluntary basis and some choose not to share such data, which is why it is unknown for 28% of complainants. Eleven percent of complaints were filed against an unknown officer who could not later be identified.

Gender Data

	Complainant Data		Officer Data		
Gender	Total Complainants	% of all Complainants	Officers with Complaints	% of all Named Officers	% of Officers in Dept.
Male	473	64%	591	87%	86%
Female	271	36%	91	13%	14%

Frequently Raised Allegations

Allegations Raised in Complaints by Year	2008	2009	2010
Attitude/Demeanor/Courtesy	137	172	227 ▲
Use of Force	109	106	159 ▲
Enforcement Discretion	133	68	112 ▲
Searches	35	46	60 ▲
Service Quality	77	69	50 ▼
Violations of Law[6]	29	30	40 ▲
In-Car Video Usage	1	16	30 ▲

Understanding Allegation Types

The nature of the allegation made in an OPA complaint is considered along with other factors in deciding how it will be handled (by a supervisor, investigated, or referred for mediation). For example, a complaint that an officer was discourteous could be referred to a supervisor or require a full investigation if the facts are particularly egregious or the officer has a history of similar complaints. As a rule, allegations of unnecessary use of force, searches, dishonesty or other matters of officer integrity will be classified for full investigation by OPA-IS.

Complaints of biased policing are infrequent and have decreased over time. While in 2007 there were 31 allegations, that number dropped to 14 in 2008, was at 18 in 2009, and now is down to 12 biased policing allegations in 2010. Former OPA Auditor Judge Michael Spearman noted that, in the absence of an overt biased statement or act, proving intent or motive in a complaint of bias is very difficult.[7] He recommended that OPA use mediation to resolve biased policing complaints where appropriate. Of course, when there is overt bias or other evidence of racial motivation, an investigation will be conducted and discipline imposed. As announced by Chief Diaz in May 2011:

> **In the case of an officer receiving a sustained complaint for using inappropriate racial, ethnic, or national origin comments, a presumption of termination shall apply.**

---

[6] If an officer is charged with a criminal violation of law, the case initially is investigated outside of OPA (either by an SPD criminal investigation unit identified by OPA or by another law enforcement agency). OPA-IS usually conducts the administrative investigation after the criminal charge is resolved.

[7] See page 10 of Judge Spearman's report at: http://www.seattle.gov/police/OPA/docs/Auditor_Report_June-Nov2009.pdf. In support mediation for complaints of racial bias, Judge Spearman pointed to a 2009 NACOLE presentation on the issue by Shanetta Cutlar, former Chief of the Special Litigation Section, Civil Rights Division, Department of Justice.

2010 Summary of Selected Allegation Types

The most frequent allegation brought to the OPA involves a complaint that an officer displayed a poor attitude or was discourteous. Most of these cases were referred to the employee's supervisor for counseling with the employee as appropriate. Complaints about an employee's demeanor are often suitable for resolution through mediation, which provides an opportunity for a citizen and officer to each share their unique perspectives following a police incident.

Use of force allegations have increased and are discussed in more detail on the next page. Virtually all complaints involving use of force are classified for full investigation.

Complaints involving searches conducted by SPD officers have steadily increased. The OPA Director first noted this trend in her 2008 OPA Complaint Statistics Report.[8] Partly in response to this trend, there has been re-training on searches at the precinct level and the 2011 SPD Sergeant's School has a section on conducting searches in compliance with law and policy.

OPA launched an audit of In-Car Video usage in 2011 to determine whether all patrol officers are ICV trained, whether there are usage problems by precinct, whether there are technological issues interfering with usage, and how the ICV policy itself can be strengthened. A report on the audit is expected by the end of 2011.

SPD policy requires that officers with In-Car Video systems make every effort to record citizen contacts. Though recordings do not always tell the full story about an incident, they can be invaluable in assessing the conduct of both officers and citizens. In the past couple of years, OPA began adding an allegation for failure to use ICV when it appeared the underlying incident should have been recorded but was not. Allegations involving ICV usage doubled between 2009 and 2010.

Looking Ahead – LEED Training Model

Even though not typical of the Department as a whole, disrespectful officer conduct cuts against the public trust necessary for effective policing. SPD is partnering with the King County Sheriff's Office and the Criminal Justice Training Commission to develop training for officers focused on promoting dignified and respectful treatment of citizens. "Justice Based Policing" will stress four basic principles: Listen and Explain with Equity and Dignity (LEED). In addition to encouraging professional interactions in general, the LEED training model emphasizes use of verbal tactics as an alternative to use of force, where practical and without compromising officer or public safety. The OPA Director is coordinating with the Training Unit and others in development of the LEED curriculum. She also is looking for ways to measure the impact of the training, including effects on the number and types of complaints received by OPA.

---

[8] Prior OPA annual statistical reports are located at: http://www.seattle.gov/police/OPA/Publications.htm

A Closer Look at Use of Force

Officers with Use of Force Complaints by Year	2008	2009	2010
Officers with one use of force complaint	98	72	98 ▲
Officers with two use of force complaints	7	5	13 ▲
Officers with three or more use of force complaints	7	2	3
TOTAL	112	79	114 ▲

SPD officers use force infrequently. Only 0.12% of all police incidents in 2009 resulted in use of force, and when force was used, it usually involved the lowest level of force options. However, after a general downward trend since 2006, use of force incidents were up in 2010.[9] Similarly, after a high of 149 OPA complaints about use of force in 2006, the number steadily dropped until 2010, when OPA observed a 30% increase in force complaints.[10] The number of officers with one or more use of force complaints also increased.

Up until last year, the number of complaints involving use of force had steadily been declining, a trend in line with the fact that the overall use of force rate for SPD had decreased to be one-fifth of the national rate. In 2010, the number of uses of force increased slightly for the first time in years, as did the number of complaints about use of force.

It is not clear whether the increase in use of force incidents is resulting in an increase in complaints, whether high profile incidents in 2010 contributed to more citizens bringing concerns to OPA, or whether there is another explanation for the rise in complaints. In any case, the uptick in 2010 in the number of complaints of unnecessary use of force or failure to report use of force is unexpected and will be an important statistic to monitor in the coming year.

Looking Ahead – Use of Force Reviews

Though SPD has a stringent use of force reporting policy that requires several levels of review when force is used, the Department is considering alternative review approaches. Given the increase in complaints, the OPA Director is coordinating with SPD command staff and others to ensure best practices are in place for assessing use of force. Because some have expressed concern that use of force is under-reported by SPD officers, OPA also worked with SPD and UW researchers to develop a project to study the issue. Funding for the research is pending. Information about these initiatives to monitor use of force will be shared as ideas are developed.

---

[9] An SPD report on 2010 use of force statistics is anticipated shortly. For 2006 – 2009 information, see "Use of Force by Seattle Police Department Officers 2006 – 2009" available at www.seattle.gov/police/publications/Policy/UseofForceReport.pdf

[10] See page 9 for information about allegations raised in OPA complaints, including use of force.

OPA Investigative Findings

OPA Findings	2008	2009	2010	
Sustained	13%	12%	9%	▼
Supervisory Intervention	19%	12%	14%	▲
Exonerated	28%	31%	32%	▲
Not Sustained	8%	10%	13%	▲
Unfounded	16%	21%	25%	▲
Administrative Closures	16%	14%	8%	▼

Overview of Investigative Findings

Cases classified for investigation, whether through a Line Investigation (LI) or by the OPA Investigation Section (OPA-IS), conclude with a finding once the investigation is complete. A single complaint can involve multiple officers and allegations, and can result in multiple findings. There are five primary findings used: Sustained, Supervisory Intervention, Exonerated, Not Sustained and Unfounded.[11] Regardless of the finding, policy and training recommendations are made when an investigation uncovers Department-wide issues to be addressed.

After an investigation is concluded and the OPA Director and Auditor have reviewed it to be sure it is thorough, the OPA-IS Lieutenant makes a recommended finding. If anything other than Sustained is recommended, the OPA Director generally determines the finding after input from the Auditor and the employee's Line of Command. If there is a Sustained recommendation, the Chief of Police makes the ultimate finding decision and determines the discipline to be imposed. The OPA Director and others are actively involved in consulting with the Chief as he makes these decisions.

[11] 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.

Examples of Investigative Decisions from 2010:

Case found to be Sustained: It was alleged that an officer engaged in a vehicle pursuit of a suspected DUI driver, lost control of his patrol car and damaged the car and private property, and then failed to report his actions. The evidence demonstrated that the vehicle pursuit was in violation of Department policy and that the officer failed to properly report the damage he caused.

Case recommended for Supervisory Intervention: The complainant was stopped for a traffic violation. She later alleged that one officer asked for her telephone number for a non-law enforcement purpose. The evidence demonstrated that the officer, someone new to Field Training, misunderstood that he had no need to request the complainant's phone number. There was no evidence he used the information inappropriately. A Supervisory Intervention finding allows the officer to be trained on proper protocol and to emphasize the importance of explaining his actions to citizens.

Case found to be Exonerated: A third party witness complained about the force officers used to arrest a suspect who was throwing furniture out of his apartment window. The evidence established that the officers used reasonable and necessary force to arrest the suspect, who was uncooperative, intoxicated, assaultive and dangerous, and who punched one officer in the head.

Case found to be Not Sustained: An officer who was off duty and driving his personal vehicle was involved in a traffic collision. The other driver complained that the officer threatened or harassed her in a subsequent phone message. Because there was no audio recording of the phone message, it was not possible to evaluate what was said and the tone used, with the result that there was no way to determine if the officer threatened or harassed the civilian.

Case found to be Unfounded: The complainant alleged that the officer brushed him with his patrol car as he drove by, causing an injury to his arm. The evidence, including investigation by another law enforcement agency, established that the incident simply did not occur.

Looking Ahead – Policy Training Recommendations

OPA publishes a detailed annual report covering all of its policy/training recommendations.[12] Examples of proposals growing out of 2010 investigations include:

- **Issue directive on inappropriate use of social media**
- **Enhance DV investigation training**
- **Clarify policy on drug paraphernalia processing**

[12] For example, see: http://www.seattle.gov/police/OPA/docs/Policy_Recommendations_Report_2009_2010.pdf

Summary of OPA 2010 Investigative Findings

The overall number of investigations closed and allegations involved for 2009 and 2010 were significantly higher than in previous years.[13] This outcome is particularly significant for 2010, given that the investigative caseload increased by 20%. In the face of a steady increase in the number of complaints filed, OPA has taken a number of steps to help manage the caseload.

Nine percent of allegations closed in 2010 resulted in a Sustained finding and discipline, down from 12% in 2009 and in line with the Sustained rate observed in 2007.[14] Another 14% were resolved with a Supervisory Intervention, meaning that the employee was referred for training. Complaints resulting in a Sustained or Supervisory Intervention finding included allegations related to evidence handling, secondary work permits, searches, use of profanity, responsibility of supervisors, failure to report a complaint of use of force, and violations of law such as DUI.

In 2010, findings in the Not Sustained and Unfounded categories both increased slightly as compared to 2009. 13% of 2010 closed cases were found to be Not Sustained as compared to 10% in 2009. The Unfounded category accounted for 25% of closed cases in 2010.

Looking Ahead – Clarification of Definitions

The OPA Director, Auditor and OPA Review Board have been working on a joint project to clarify the definitions of the findings used in the complaint investigation process. The Sustained, Not Sustained, Exonerated and Unfounded categories are typical to those used elsewhere across the country. However, OPA's use of various administrative findings causes confusion and even the basic four categories are not easily understood by many. The joint project is aimed at enhancing transparency by reducing the number of findings and clarifying the names and definitions used with OPA's system so that it is more easily understood by the public.

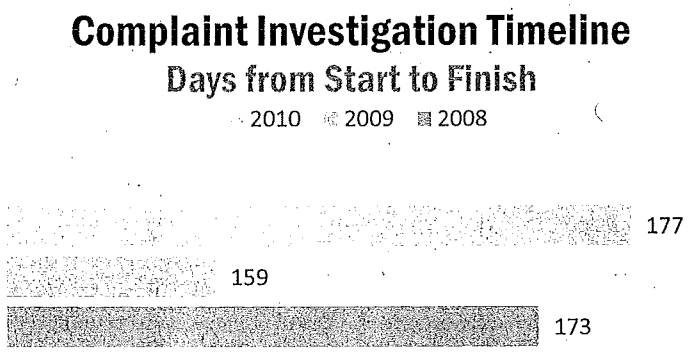
The Supervisory Intervention finding is used when it appears from the investigation that an officer named in a complaint would benefit from training. For example, the complaint might involve a low level policy violation and a less experienced employee, and it is clear to all who are reviewing the investigation that training should result rather than discipline. The Supervisory Intervention findings also allows for well-intentioned mistakes to be addressed by education and counseling, rather than punishment. While some misconduct clearly calls out for traditional discipline such as unpaid time off or even termination, other policy violations can be more effectively addressed through counseling and training. This approach also is consistent with the Department's enhanced efforts to involve supervisors more directly in discipline matters. Discussions about the Supervisory Intervention finding and alternative discipline approaches will continue as SPD works to strengthen the role of first-line supervision and as the joint project to clarify OPA findings continues.

---

[13] For example, in 2008, 144 cases involving 257 allegations were closed by OPA. In 2009, the number of closed cases rose to 198 with 390 allegations and in 2010,183 cases involving 368 allegations were closed.

[14] See page 16 for information about types of discipline imposed.

Complaint Investigation Timeline



2010 Summary of Complaint Investigation Processing Time

In 2010, the average investigative case processing time went up to a level closer to that seen in 2008. This upturn in the time it takes to address a complaint, from intake through a finding and closure, is likely in large part due to the significant (18%) increase in the number of cases assigned to OPA-IS for full investigation. The OPA Director is committed to reducing this average processing time to at least the level seen in 2009 and a number of steps have been taken in 2011 toward that end.

Looking Ahead – Improving Complaint Investigation Turnaround

Steps taken in 2011 to improve complaint investigation timelines include:

- A protocol requested by the OPA Auditor in reviewing cases at the intake stage was rescinded, with her agreement, because it delayed case processing without adding significant value.
- An effort is being made at the intake stage to identify cases that involve allegations that can be resolved without a protracted investigation, either because upfront evidence readily absolves the SPD employee of misconduct or because the employee admits to the actions underlying the complaint.
- The administrative function involved with closing cases after investigations are concluded was reassigned, cutting down on the number of people involved and allowing for faster processing.

The Director has also worked with the OPA Auditor and Tina Bueche from the OPA Review Board to refine the various points involved with case handling. Changes have been made to the computerized case tracking system to more easily monitor case workflow. This will allow OPA to better identify and address roadblocks in the investigation process.

Final Discipline Actions

Discipline by Year	2008	2009	2010
Termination	2	1	0
Suspension	7	11	5
Written Reprimand	9	8	9
Oral Reprimand	2	2	4
Transfer	1	2	0
Alternative Discipline[15]	0	6	5
Total	23[16]	30	23

2010 Summary of Discipline

The Chief of Police has final authority on all discipline matters, though the OPA Director and others advise him as he makes his decision. OPA also coordinates with SPD's Legal Advisor and the City Law Department to promote consistency in discipline for similar violations, to monitor the implementation of discipline, and to track discipline appeals.

The number of SPD employees disciplined following an OPA complaint dropped in 2010 to 23, back to the same number as observed in 2008. Discipline imposed in 2010 varied from an oral reprimand through suspension (unpaid days off). No employees were terminated in 2010.[17]

Looking Ahead – Handling Appeals

While most Sustained findings are not appealed, officers have the option of asking that a Discipline Review Board or the Public Safety Civil Service Commission review discipline involving suspension, demotion, termination or transfer. Some decisions of the Chief are overturned through the appeal process. The OPA Director is convening a panel at the 2011 NACOLE Conference, including representatives from civilian oversight and law enforcement, to discuss how other agencies handle discipline decision making and experiences with appeals.

[15] Alternative discipline can include training, requiring an officer to review and recommend revisions on SPD policy, report writing or other nontraditional approaches to behavioral change. For example, in one 2010 case, there was a Sustained complaint against officers found to have improperly entered an apartment in search of a DV assault suspect. In addition to receiving a written reprimand, the officers received training on the legal justification necessary for entry into a residence without a warrant.

[16] The total includes two employees who resigned or retired in lieu of discipline.

[17] Investigations involving some incidents that arose in 2010 were not completed until 2011. For example, though the shooting of the late John T. Williams occurred in 2010, Ian Birk's resignation and Chief Diaz's termination decision were not finalized until 2011. As investigations are closed, they are reported in OPA's Monthly Report and will be included in the 2011 summary report.

OPA Mediation Program

OPA Contacted Mediation	2008	2009	2010
Total cases selected for Mediation	59	31	78 ▲
Cases resolved through Mediation	21	11	27 ▲
Citizen declined Mediation	12	14	30 ▲
Employee declined Mediation	20	5	9 ▲

2010 Summary of Mediation

78 cases were selected for mediation in 2010, over twice as many as in 2009 and more than at any other point since the beginning of the OPA Mediation Program in late 2005. OPA mediations went through a transition period in 2009 after losing the administrative position that supported the program, but cases are now being selected for mediation at a higher rate than ever seen previously.

As more cases are referred, more complaints are successfully resolved through mediation. In 2010, 27 cases were counted as resolved through mediation as compared to 11 complaints in 2009, and 21 cases in 2008 and 2007.[18]

Both citizens and SPD employees continue to report satisfaction with mediation when they use the program to resolve an OPA complaint. For example, one complainant remarked, "I was really impressed with the way the officer took responsibility for his part...and explained his actions...he deserves big time kudos for his willingness to participate and his positive attitude...Thank you, again, so much!"

Looking Ahead – Improving Education about Mediation

Though an ever increasing number of OPA complaints are referred for mediation, statistics over the past several years reveal that complainants are much more likely to decline mediation as compared to SPD employees. For example, in 2010, 30 complainants declined mediation or changed their mind as the process moved forward. In comparison, only 9 employees declined OPA's suggestion that the case be mediated. Though education about the mediation program is important for everyone involved, these numbers suggest that OPA needs to work to better understand why citizens do not take advantage of mediation as an alternative dispute resolution option. The OPA Director has asked for assistance from the OPA Review Board to survey complainants who declined mediation to generate ideas about how to make mediation a more viable option for complaint resolution. Diverse community groups will be approached for suggestions, too.

18 Cases resolved through mediation include incidents where the matter was handled during the convening stage and where complainants withdraw their complaint or change their mind about mediation after the employee agreed to the mediation process.

Conclusion

Through the exceptional work of Seattle Police Department employees, major crime was down in 2010. At the same time, use of force increased slightly and OPA complaints about force and other police action also rose. While community members expect SPD to continue to effectively fight crime, they also require that police officers respect the law and rights of citizens while doing so. The OPA strives to ensure accountability and transparency in the work of SPD by thoroughly and objectively investigating complaints of police misconduct, in a manner that is fair to everyone involved in the process.

The 2010 Statistics Report provides an overview of the types of misconduct allegations filed with the OPA, information about how cases were resolved, and other background on employees named in complaints. OPA changed how it presents complaint data in an effort to respond to community feedback and to make the statistical information more readily understandable. Examples of how complaints were classified and sample investigative decisions and policy/training recommendations are included. The report also highlights various initiatives underway to address issues raised by OPA complaints, including ways OPA is working to improve investigative timelines, how OPA can make its process more accessible to diverse communities, and outreach efforts to promote the use of mediation to resolve complaints.

Because the most common complaint received by OPA involves officer attitude or courtesy, the Department's new Justice Based Policing – LEED Training Model is a particularly important program adopted by SPD. The training will emphasize dignified and respectful treatment of citizens, and promote verbal tactics as an alternative to use of force. OPA will monitor the impact of the LEED training on complaints of both rudeness and unnecessary use of force.

OPA also is involved with consideration underway in the Department of alternative approaches to reviewing use of force aside from the investigation that takes place when a complaint is filed. As the Department steps back to reassess use of force from a number of perspectives, SPD is also looking for ways it can enhance feedback to employees to improve performance in general through closer involvement of supervisors with officers. With this goal in mind, OPA will seek to involve supervisors more often in resolving low level complaints, while ensuring there is a system to monitor all allegations of misconduct.

The OPA Director appreciates and wants to recognize the extensive contributions made by Administrative Staff Assistant Sonja Lalor and Planning and Development Specialist Shanna Christie in preparing this report.