



“To gain the trust and support of the governed, those exercising governmental power must be held accountable to respect human and civil rights and operate within the law and established policies.”

-Pierce Murphy, Filing to the Court,
DOJ v. City of Seattle

Retrospective

2013-2016

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INITIAL ASSESSMENT

At the beginning of my tenure as Director of the Office of Professional Accountability (OPA), I spent a considerable amount of time meeting with individuals and groups, both inside OPA and the Seattle Police Department (SPD) and outside throughout Seattle. I met with police officers, union leaders and members, police commanders, the OPA Auditor, the OPA Review Board, City Council members and their staffs, the Department of Justice (DOJ), the Seattle Police Monitor (the Monitor), the Community Police Commission (CPC), and countless groups and individuals in Seattle’s diverse neighborhoods. My purpose was to listen and learn about the many challenges facing SPD and OPA. I wanted to know what insiders and outsiders expected of OPA and how police accountability needed to be strengthened and reformed in Seattle. During my first few months with OPA I dug into the minute details of how the work of OPA was actually getting done, along with the nuts and bolts of what happened once OPA finished its investigations and turned its work product over to SPD.

Following were my key observations from this initial assessment:

- Externally, OPA was widely viewed as irrelevant, at best, to the reform of SPD. In some parts of the community, OPA was viewed with hostility and seen as nothing more than a rubber stamp used by the police to justify misconduct under the guise of independent investigations. The vast majority of the public seemed unaware of the existence of OPA. In short, OPA’s public credibility was extremely low.
- OPA also lacked credibility within SPD, although the situation was not as bad as with external constituencies. For the most part, OPA was seen as slow, enigmatic and too focused on minor things best left to the chain of command to handle.
- OPA operated and was viewed, both externally and internally, as an “internal affairs unit” led by a civilian. No one believed OPA had any real independence from the command structure of SPD. This stark lack of either functional or perceived independence was symbolized by the placement of the OPA Director’s



office inside SPD’s headquarters building on the same floor with the other assistant chiefs. In addition, the previous OPA Director regularly appeared alongside the Police Chief at press conferences and major media events, signaling to the organization and the public that the Director was there to back up the Chief.

- OPA’s own media relations, community outreach and public web site were coordinated through SPD’s Public Affairs Office. In many ways, OPA operated like any another unit within SPD. For example, correspondence from OPA went out to complainants on SPD letterhead with the signature of the OPA representative appearing above the name of the Police Chief. OPA business cards (even those handed out by the civilian Director) bore the watermark of the SPD badge.
- Leadership of OPA was not firmly in the hands of the OPA Director. The entire investigative arm of OPA (roughly 90% of its budget and personnel), was housed in a different building from the Director. It operated under the leadership of a SPD Captain with minimal direction or involvement by the Director. In fact, the OPA Auditor appeared to be providing more guidance and frequent direction to the OPA investigation unit than the Director.
- A strength of OPA was its investigative and administrative staff. Most of the six Detective Sergeants in the unit had been there for several years and possessed strong investigative skills and knowledge.
- Rather than making clear findings recommendations to SPD, the OPA Director had delegated to the OPA Captain the task of “proposing” findings to the SPD chain of command. In this way, the OPA Director participated in discussions about findings and discipline as a member of SPD’s command staff, rather than an independent civilian voice with clear authority to make his or her own independent recommendations for findings and discipline to the Chief of Police.
- OPA received very few internal referrals of potential misconduct from SPD. In this regard, OPA assumed a “passive” role, waiting for someone within SPD to decide whether or not evidence of misconduct should be brought to the attention of OPA.



- OPA had no written, comprehensive procedures manual. Most things were passed on via word of mouth or by faded photocopies of memoranda written years before.
- The business processes of OPA (Intake, Supervisor Actions, Investigations, Chain of Command Reviews, etc.) were entirely paper-based. Significant hours of administrative staff time, often on overtime, were spent producing multiple photocopies of case files to be sent out to various entities, including the OPA Director, OPA Auditor, chain of command and Seattle Police Officer’s Guild (SPOG) representatives.

STRATEGIC INITIATIVES

Based on this initial assessment of the state of OPA and police accountability in Seattle, I established four strategic initiatives to guide OPA’s change efforts over the next several years.

Accessibility

As the public facing portal for filing complaints about the conduct of SPD employees, OPA will identify and remove barriers that prevent or discourage persons from contacting OPA and proactively work to increase the ease and comfort with which members of the public and SPD employees are able to access OPA and obtain the services they seek.

Independence

A bedrock principle of police oversight and accountability is the ability of oversight authorities to operate free from interference or undue influence from those they oversee. OPA will assert and defend its independent status within SPD, seeking every opportunity to increase its operational independence and acting with integrity rooted in objective investigations and a devotion to the facts.

Transparency

Successful police accountability systems are solar powered! They thrive on the sunshine of public transparency. OPA will continuously seek to find better and more effective means to share with the public what OPA is doing and how it is doing it. With a goal of



operating and reporting with complete transparency, OPA will remove barriers, improve communication and seek opportunities to make information available to the public in a real-time and user-directed fashion.

Trust

For police accountability to be effective, the public and the police must trust the integrity, thoroughness and objectivity of the oversight agency and its work. OPA will continuously improve the quality, thoroughness, objectivity and timeliness of its intakes, investigations and finding recommendations.

MAJOR ACCOMPLISHMENTS

Independent Finding Recommendations

Within 30 days of becoming OPA Director, I made an immediate process change to be more consistent with the authority given the OPA Director in the Seattle Municipal Code with respect to the certification of completed investigations and the recommendation of findings. Under the new process, the OPA Director certifies completed OPA investigations and recommends findings in writing before the SPD chain of command receives the completed investigation and meets to discuss potential discipline. Previously, OPA investigations were not certified by the Director and recommended findings were not communicated until after the Chief of Police had made a final finding determination. This change was a strong signal of OPA independence and transparency.

OPA Manual

With significant assistance from the OPA Auditor I delivered a draft OPA Manual to the Monitor before the deadline established by court order. I then led a collaborative process together with the CPC, SPD, DOJ and the Monitor to further improve and strengthen the OPA Manual, which was approved by the Court and went into effect on August 1, 2014. The Manual was immediately posted on the OPA web site so the public and SPD employees could know what to expect from OPA. The production and publication of this manual helped create trust in OPA and was another step towards greater transparency. This manual was updated and revised in early 2016 with Court approval.



Use of Force Investigation and Review

During the second half of 2013, I contributed to the development of the new use-of-force policy by reviewing and commenting on successive drafts. A key provision of the Settlement Agreement (SA) between the City and the DOJ was to revise SPD's use-of-force policy and improve the investigation and critical self-review of SPD officers' uses of force. During the same period, I began attending all the meetings of the Force Review Board (FRB) that had been established under the SA. Attendance at the FRB was critical to ensure potentially excessive uses of force were promptly referred to OPA for investigation. This practice of the OPA Director regularly attending the FRB continues to the present day. The active involvement of the City's civilian head of police accountability in developing SPD policies and monitoring the review of force incidents is critical to making OPA more accessible for internal referrals and trusted by the public as an independent voice for accountability.

Review of Deadly Force

With the implementation of SPD's new, court-approved use-of-force policy on January 1, 2014, significant changes were made to the investigation of SPD officers' uses of deadly force and force resulting in death or serious bodily injury (known as "Type III Force" in the new policy). A Force Investigation Team (FIT) was established within SPD to roll-out and take immediate charge of investigating all Type III uses of force. As part of the immediate response to an investigation of the use of such force, the new use-of-force policy gave OPA authority to monitor and provide oversight to FIT investigations from their inception. As OPA Director, I receive immediate notification of any such incident and determine OPA's response. As a matter of practice, I respond to all officer-involved shootings and the majority of other FIT call-outs. An OPA commander (Captain or Lieutenant) may go in my place or join me, depending on the nature of the incident. At least one OPA Detective Sergeant also responds to shadow the FIT investigation and sit in on all FIT interviews, including those of the officers who used force. As OPA Director, I play a significant role in monitoring what the FIT investigators are learning so that, if necessary, I can decide to initiate an OPA investigation and, when warranted, refer the



matter for a criminal investigation. OPA monitors all FIT investigations as they proceed and reviews them once completed, including as a designated observer when the case is finally reviewed by the FRB. This unique and previously unheard-of role for OPA in the investigation and review of deadly force is a significant example of the independence of OPA and contributes to the trust the public places in SPD's critical self-review of its officers' use of deadly and significant force.

OPA Location

OPA is now located in an independent, customer-friendly office building on Third Avenue, a main corridor for public transportation in downtown Seattle. Officers and complainants alike are welcomed to a professional environment that reinforces OPA's independence and signals our dedication to treat all complaints with an objective and evidence-based mindset. All OPA personnel are now located together in our Third Avenue offices, allowing me to provide the leadership and direction necessary in our ever-changing and highly-challenging environment.

OPA Web Presence

OPA's website is now independently managed and controlled by OPA with technical assistance and support from the Seattle IT Department. No longer is OPA a sub-page of the SPD website but is now, like SPD, a standalone City website (www.seattle.gov/opa). The OPA website was completely re-built to provide a more accessible experience for users, to increase the transparency with which OPA faces the public and to communicate our independence.

Outreach and Engagement

Over the past three years, I have met with small and large community groups, church congregations, advocacy groups, social service providers, community leaders, groups of police officers at all ranks, the SPOG leadership and membership, City Council Members and their staff, the Mayor and his staff, neighboring law enforcement officials, researchers and academics at the University of Washington, Seattle University and Seattle Community Colleges and countless numbers of individuals concerned about the



quality and accountability of the SPD. All of these efforts have been with the purpose of listening to people’s concerns about SPD and OPA, as well as their ideas for how police accountability can be strengthened and improved. Engagement such as this is a key part of how we continue to be accessible, transparent and trusted.

Criminal Justice System Referrals

I have developed and maintain strong working relationships with the courts, local prosecutors and some members of the criminal defense bar. They play an important role in spotting issues that may need to be addressed and in reporting potential misconduct by SPD officers. These on-going efforts are an important part of OPA strategic efforts to continuously increase our accessibility. At the same time, in concert with the City and King County Prosecutors, I’ve developed a clear procedure for how OPA will notify them of any information that may bring into question the credibility of a SPD officer or civilian employee likely to be used as a witness for the prosecution. Such reporting is required and failure to do so could jeopardize future prosecutions.

IAPro Database and Case Management

In late 2013, I was part of a group that evaluated and recommended a new administrative case management system for SPD. As a result, SPD purchased the IAPro Professional Standards System and its companion frontline documentation system, BlueTeam. OPA was the first to go “live” with IAPro in April of 2014 and by the end of that year had completed the transformation from a paper-based to a paperless office. Implementation of IAPro necessitated significant changes to OPA’s business processes which greatly improved our efficiency and timeliness. SPD soon rolled out the BlueTeam system which enabled OPA to transfer completed case files electronically to the SPD chain of command and to receive internal referrals electronically, further improving our efficiency and timeliness. Finally, IAPro has enabled us to have increased confidence in the data we report to various internal parties and to the public, thus increasing our transparency.



Closed Case Summaries

Beginning in January of 2015, OPA now posts on its website a summary report of every completed OPA investigation. These reports explain to the public what was alleged, how OPA investigated the allegations, what we found and the final outcome, including any discipline. These reports are posted as each case is closed so the public is informed of the outcome of OPA investigations in “real time”. This has been a significant increase to our transparency and promotes public trust in the work of OPA.

Complaint Tracker

One of the frequent complaints I heard from both SPD employees and members of the public was that OPA was a “black hole” into which complaints disappeared, never to be seen again. I took this feedback very seriously since it directly impacted trust in OPA. In responding to this negative perception of OPA, two complementary approaches were used. I directed OPA investigators to keep in regular touch with both named employees and complainants throughout the course of their investigations. This expectation was formalized into a requirement when the OPA Manual was approved by the Court. Our other initiative to improve communication with our constituents was something I called the “Amazon” approach. When I order something on-line, I appreciate those vendors, like Amazon, who provide an easy and reliable way to track the progress of my order and the status of its delivery to my doorstep. Wouldn't it be nice, I thought, if those who have an interest in an open OPA investigation had an accessible and trusted way to check on the status of that case? As a result, the OPA “Complaint Tracker” was created. Now, anyone can go to the OPA website at any time and find out the status of a case by entering the case number into the on-line tracker.

SPD Culture of Accountability

Responding to a request from Federal District Court Judge James L. Robart who has jurisdiction over the SA between the City and the DOJ, I filed a Memorandum with the Court on October 16, 2015, providing insight and guidance regarding police accountability. In my filing, I made the following point regarding the importance of creating a culture of accountability in SPD:



“A core principle of effective organizational management is the proper delegation of authority and responsibility. Highly effective organizations provide their first level supervisors with sufficient authority, training and resources to hold employees accountable to deliver quality products and services in a manner consistent with the organization’s mission and values. Police departments are no exception. To deliver constitutional and bias-free policing services, the best police departments depend on their front-line supervisors, typically sergeants, to lead, train, direct, counsel and motivate the officers in their charge. A well-trained sergeant is at the heart of police accountability. A police department’s accountability processes must be oriented to support and empower the front-line supervisor to effectively perform his or her accountability role.”

To this end, I have been a vocal proponent of policy and training to enable supervisors to investigate a much broader list of policy violations than is currently allowed. I have helped SPD draft these policies and prepare training for supervisors. The necessary policy changes have been approved by the Court and are awaiting implementation by SPD.

At the same time, OPA has a vital role to play in completing thorough and objective investigations that give the Chief of Police the means to hold officers accountable when they fail to follow policy or engage in serious misconduct. This is an obligation from which I will not flinch or otherwise compromise. I make recommendations for findings based on the evidence and facts of the case, not what will please a complainant or make OPA popular. The public, the Chief and the officers must all be able to trust that, as OPA Director, I have no agenda and remain committed to follow the facts supported by evidence.

Management Action Recommendations

With the implementation of the OPA Manual in August of 2014, I gained the ability to effectively address situations in which legitimate complainant concerns regarding the actions of SPD officers were not the fault of one or more individual officers, but the



result of a failure on the part of SPD to provide adequate policy guidance, training or supervision. Instead of holding an individual officer accountable for something he or she did because it was either unclear in policy, improperly or inadequately addressed in training, or condoned by a supervisor, I now have the option of sending a Management Action Recommendation to the Chief indicating what needs to be done to correct the problem and prevent it from reoccurring in the future. These recommendations are made in writing and posted on the OPA website, along with responses from the Chief, to promote transparency and assure accountability.

Monitor’s Assessment of OPA

In the summer of 2015, the Monitor conducted an objective assessment of a random sample of completed OPA investigations. The assessment of these cases was conducted by recognized national experts in the field and OPA’s performance was measured against the requirements of the Court-approved OPA Manual and recognized best standards in conducting police misconduct investigations. As a result of the assessment, the Monitor gave OPA high marks for its intake and classification process, its internal and external transparency and its “back-end” review and analysis of completed investigations. While finding the investigations themselves to be “generally satisfactory or better,” the Monitor suggested three areas in which OPA could make “targeted changes” to its operations. They are: (1) the quality and consistency of interviews; (2) the timeliness of the interviews; and (3) those investigations that raise potential criminal or terminable offenses. OPA immediately began working on strengthening itself in all three areas and will continue to focus improvements there in the months and years ahead.

Strengthening Police Accountability and Civilian Oversight

A significant portion of my time as OPA Director has been taken up with the important work of planning for the future of police accountability and civilian oversight in Seattle. I have chiefly collaborated with the CPC in this endeavor, but also with the Mayor’s Office, the OPA Auditor, DOJ, the Monitor and, most recently, the City Attorney. Getting accountability and oversight of the SPD “right” at this stage of the City’s



compliance with the terms of the SA is extremely important, as I expressed to the Court in my October 16th filing:

“Adequate structures, policies and processes of accountability, review and oversight must be fully implemented and operating effectively before the Court’s oversight of SPD concludes. To do otherwise would be to risk the loss of the many improvements made since the Court gained jurisdiction and to forfeit the possibility of a virtuous cycle of continuous improvement in the years beyond the Settlement Agreement.”

KEY CHALLENGES

Capacity and Workload

The last two calendar years have seen a significant rise in the number of complaints being made to OPA. Some of this can be attributed to a dramatic increase in the number of allegations of potential misconduct referred to OPA from within SPD. Complaints classified for either a full OPA investigation or resolution by the officer’s supervisor rose 20% in 2014 and 45% in 2015. Caseloads for OPA investigators, as a consequence, have also dramatically increased and OPA investigators handle a higher number of cases than do their peers in similar police departments. Each year I have asked for increased budget for additional investigators, supervisors and support staff. The City and SPD have responded favorably to these requests, increasing OPA investigative staff from six to eight Detective Sergeants and adding a Lieutenant to provide supervision and review. Support staff, however, has not yet been increased. The result of this dramatic increase in cases, even with the additional resources provided, has primarily been threefold: (1) investigations which after classification and preliminary investigation do not appear likely result in sustained findings are deprioritized in favor of those that do, causing the deprioritized investigations to remain active past the target of 180 days; (2) OPA supervisors (Lieutenants) have to weigh the goal of interviewing all potential witnesses in any given case against the absolute necessity that SPD serve notice of proposed discipline within 180 days of when OPA or a sworn SPD supervisor received the complaint; and (3)



significant strains have been placed on the non-investigative support and executive staff of OPA to keep up with needed administrative support and case review.

Staffing Constraints

Since the inception of OPA, all intake, investigative, supervisory and management functions, apart from that of the OPA Director and Deputy Director, have been performed by sworn SPD officers of various ranks. As indicated below, this reality presents some unique challenges for OPA:

SPD officers are either involuntarily assigned by SPD to serve in OPA or they volunteer for a transfer to OPA when an opening occurs.

In 2013, when I began as OPA Director, the OPA Director had little say in the movement of SPD personnel into and out of OPA. In my first twelve months, I faced the unexpected transfer of the OPA Captain and was presented with a list of only four of the over 20 Captains employed in SPD from which to select his replacement. During this same period, three different Lieutenants served in OPA. This continuous change in managers created significant problems for OPA in the consistency, quality and timeliness of its intakes and investigations. Fortunately, since the appointment of Kathleen O’Toole as Chief, the situation has stabilized. Chief O’Toole and I share the goal of staffing OPA with the “best and the brightest” from SPD and she has been exceedingly helpful in this regard.

Even though SPD is transferring talented, hard-working officers to work in OPA, very few of them have investigative training or experience beyond that available to Patrol officers who conduct initial stage criminal investigations.

Even those who have detective experience do not arrive in OPA with the specialized job skills of a highly-skilled police misconduct investigator. Sergeants typically spend two to three years assigned to OPA before being transferred to the next assignment. During a sergeant’s first 12 months in OPA, a tremendous amount of time is spent in orientation and on-the-job training. This on-going turnover and training of OPA investigators presents us with a real challenge, especially given the substantial increase in complaint volume and the expectation we will continuously improve the quality, timeliness and objectivity of our



investigations. Ideally, OPA would be staffed with investigators for whom conducting police accountability investigations is their profession and who plan to make their career in OPA.

Although OPA is led by a civilian Director specifically selected to bring a “civilian” perspective to the investigation of alleged police misconduct, the intake, investigation and supervision of every complaint is conducted by SPD officers and sworn supervisors.

As a result, members of the public who file OPA complaints interact with and are interviewed by police sergeants assigned to OPA. For some complainants this is not a problem. Others, however, express surprise or dismay at finding police sergeants investigating the complaint they filed with the civilian police accountability office. Some complainants have objected to having their complaint investigated by a police officer. The collective bargaining agreement with SPOG prevents OPA from using civilian investigators. Not only does this create problems with public trust in OPA, it can impact the actual or perceived objectivity of OPA investigations due to the pressure placed on sworn OPA investigators as they investigate alleged misconduct of individuals they may have worked alongside in the past and very well may do so in the future.

Limitations of Allegation-Focused Investigations

By virtue of its empowering legislation in the Seattle Municipal Code and the Court-approved OPA Manual, OPA’s mission is to investigate specific allegations of misconduct (violations of policy or law) made against SPD employees. OPA accomplishes this mission by producing objective, thorough investigations for decision-makers to use in determining appropriate disciplinary responses on a case-by-case basis. As the Monitor pointed out in his recent assessment of OPA investigations, OPA lacks the authority and capacity to provide ongoing, systematic evaluations or assessments of the performance of SPD and its officers. For example, when OPA investigated an allegation that officers assigned to the Education and Training Section of SPD were abusing their positions to take advantage of the overtime system for their own financial benefit, OPA quickly found that the situation called for a broader examination of SPD’s overtime system, something OPA had neither the skillset nor the capacity to accomplish.



As a result, we recommended that SPD ask the City Auditor to conduct a performance audit of the use of overtime in the Education and Training Section, something to which Chief O’Toole readily agreed and extended to cover the entire Department. The resulting audit findings will, when fully implemented by SPD, greatly improve the use and control of overtime. Nonetheless, OPA received some criticism that its investigation did not hold top-level managers accountable for the problems and instead “passed the buck” to the City Auditor. Criticism such as this, while perhaps understandable, fails to take into account the fact that OPA cannot be expected to produce results it is not empowered to create.

Investigation of Crowd Management Events

Seattle has had its share of protests and demonstrations over the years. The use of force by SPD in response to mass demonstrations and protests has been a source of media and public attention ever since the events surrounding the 1999 World Trade Organization Ministerial Conference in Seattle. However, OPA (which was created in 2000) has not played a significant role over the years in investigating how SPD responds to such events, other than to investigate specific allegations of misconduct brought forward by members of the public. Given OPA’s mission to conduct investigations into allegations of misconduct, OPA has not historically undertaken to investigate the planning, training, tactics and command of these events by SPD.

Beginning in the fall of 2014 protests took place in Seattle and throughout the country in response to the St. Louis County (MO) Prosecutor’s decision not to press charges in the police shooting death of Michael Brown in Ferguson, Missouri, as well as in response to other police-related deaths in Cleveland, Baltimore and New York. OPA took note of the difficulty documenting, investigating and reviewing SPD officers’ uses of force during these protests and demonstrations. A key element of the reforms under the SA between the City and the DOJ was the strengthening of SPD’s ability to investigate the use of force by its own officers and apply lessons learned from a rigorous process of critical self-review. As OPA Director, I sat in the meetings of the FRB, which has been given



responsibility for analyzing higher level uses of force. In that observer role, I had the opportunity to see the nature and quality of SPD's force investigation and review process.

Following May Day 2015, individuals and groups in the community, including members of the CPC, began raising questions about SPD's planning, training, tactics and command of protests and demonstrations. At the same time, OPA received more complaints about the use of force during May Day 2015 than in the past. As I spoke with some of those complainants, I realized they expected the OPA investigation to address the planning, training, tactics and command of the police response on May Day. As important as these questions are to police accountability, OPA is not empowered or enabled to directly address them. While some people may have been disappointed in the outcome of OPA's investigation into the specific allegations of excessive force during May Day 2015, the investigation did result in five specific policy, tactics, training and planning recommendations in the form of a Management Action Recommendation letter to the Chief.

When I reviewed the completed OPA investigation into specific allegations of excessive force during May Day 2015, I found it was not as focused and in-depth as it could have been. As a result, I gave specific feedback to my management team for the improvement of future investigations. Notwithstanding my own responsibility to provide overall direction and leadership to all OPA investigations, the shortcomings of this investigation pointed out the inherent limitations of OPA when it comes to investigating such large-scale events. These limitations include: (1) difficulty identifying individual SPD officers; (2) waiting months for SPD to complete its process of documenting and investigating the use of force during these events in order to get access to the vast amount of video evidence, officers' statements, and other evidence and documentation; (3) pressure to complete the OPA investigation, including reviewing hours of video and stacks of statements and reports, in the time remaining (OPA must complete its investigation and all reviews and recommendations within 180 days of when the complaint was made); (4) having no spare capacity from which to draw for such an investigation since each OPA investigator carries between 20 and 25 active cases; and (5) lacking the expertise itself or



the budget to hire an expert to make sense out of the hours of video from SPD, news media and private parties. If the City wants to have thorough and credible OPA investigations of SPD actions during protests and mass demonstrations, additional resources and authority will need to be forthcoming. In the meantime, OPA will do its best with the tools at its disposal. I am committed to applying the lessons learned from our investigation of May Day 2015 and providing close supervision of similar investigations in the future.

Timeliness

The Reverend Martin Luther King, Jr. in his *Letter from a Birmingham Jail* states, “justice too long delayed is justice denied.” This timeless maxim is also true when applied to the work of police accountability. All parties expect and deserve timely action on complaints about police misconduct. The complainant, perceiving herself or himself unjustly treated, rightly expects swift and just action be taken. So, too, the officer named in the complaint understandably expects a timely resolution to a matter which hangs over his or her head like the sword of Damocles. The Chief of Police, having responsibility for motivating, training and, when necessary, disciplining police officers, expects to receive the results of misconduct investigations in a timely manner. As OPA Director, I take seriously my responsibility to continuously improve the timeliness of OPA investigations. We have been greatly challenged in the past three years by a rate of increase in complaints filed with OPA that has outpaced our ability to increase the resources we have to address them. While OPA has not missed any deadlines for completing its work in cases that resulted in discipline, we have had to prioritize our work such that some non-disciplinary cases have taken far too long to complete. In 2015, OPA was able to complete all investigations within 180 days of when OPA received the complaint. We will continue our efforts at process improvement, continuously striving to streamline our processes and work more efficiently. This is a priority for OPA.



NEXT STEPS

Frontline Misconduct Investigations

On March 16, 2016, the Court approved revisions to SPD Policy Manual §5.002 Responsibilities of Employees Concerning Alleged Policy Violations. The Court also gave its approval to the addition of a new policy, §5.003 Front Line Investigations. Taken together, these revised and new policies reinforce OPA’s authority over all complaints and allegations of misconduct made against SPD employees while allowing for the delegation of authority to SPD supervisors to investigate and resolve a wider range of minor alleged policy violations. Successful implementation of these policies will play a key role in accomplishing a critical element of reform, the creation of a culture of accountability within SPD in which sergeants and the chain of command have primary responsibility for holding their employees accountable. These policies must be carefully and thoughtfully implemented if supervisors throughout SPD are to have the greatest opportunity for success. A clear communication plan, usable guides and tools, and effective training must be developed and implemented. OPA is already working with the appropriate resources in SPD to support the implementation of this critical element of the reform of SPD. I anticipate this important work will consume considerable OPA management time and attention in the coming months.

Continued Strengthening of OPA Investigations

The Monitor’s assessment of OPA investigations provided OPA with a list of action items to improve the quality of its investigations. Along with suggestions from the OPA Auditor, my management team and I are using these action items from the Monitor’s assessment to improve the objectivity, thoroughness and timeliness of our investigations.

Internal and External Collaboration

While OPA has spent considerable time in the past three years collaborating with the SPD, OPA Auditor, CPC, Monitoring Team, DOJ and others on developing policies, accountability reform recommendations, training and other reform-related projects, now is the time to renew and re-invigorate our commitment to collaboration. This will be a



key part of how I, with the support of OPA Deputy Director Tonia Winchester, direct my energies and time in the coming year.

I anticipate, following action by the Court and the enactment of accountability and civilian oversight reform legislation by the City, OPA will partner with the other elements of the resulting accountability and oversight system in a combined effort to develop and maintain collaborative relationships with organizations, agencies and other community-based groups throughout Seattle.

Implementation of Accountability Reforms

On May 10, 2016, Seattle City Attorney Peter Holmes filed a brief with the Court concerning the recently completed review of SPD accountability systems. It seems highly likely that, in conjunction with any action the Court may take, the Mayor and City Council will take up this topic in the next few months. As a result, I anticipate that OPA will be called upon to implement any changes to its authority, structure or responsibilities that might result. As OPA Director and a long-time practitioner in the field of civilian oversight of the police, I look forward to the opportunity to take part in the creation of what I hope will become a national model for civilian oversight and police accountability. I remain committed to doing all I can to create and maintain a system of police accountability and civilian oversight in Seattle that is accessible, independent, transparent and trusted.

