



**2023 | Annual Report**



**Seattle Office of  
Inspector General**

# 2023 Annual Report

April 15, 2024

## Office of Inspector General

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# Letter from the Inspector General



**In 2023**, OIG hit our stride with full staffing, including new capacity to assume the Federal Monitor functions, and significant work getting underway to transition to a “post-consent decree” era of constitutional policing. After wrapping up the major endeavor of a Sentinel Event review of the 2020 protests, OIG turned our focus to transitioning into the oversight role that has been performed by the Federal Monitor since 2012. A new “Standards and Compliance” team was onboarded over the summer, kicking off their work by creating a transition workplan to file with the Federal Court. Substantive work then began quickly with assessments of SPD Use of Force and the Crisis Intervention training program. Adding this new body of work allowed OIG to again embrace growth and internal collaboration, creating a comprehensive approach to our systemic oversight of SPD and OPA.

These are some highlights of the work accomplished by the fantastic team at OIG:

- Completed the Sentinel Event Review of the 2020 protests and produced the final report.
- Released audits of SPD compliance with Youth Access to Counsel laws and various surveillance technologies.
- Continued the critical work of certifying investigations of alleged misconduct conducted by the Office of Police Accountability—certifying 344 cases.
- Collaborated with experts, local stakeholders, and SPD, to issue recommendations to SPD including creating a deception or “ruse” policy, and continued work on making traffic stops safer for community and officers.

Our efforts in 2023 laid a solid foundation for OIG, and the City of Seattle, to take the reins of oversight from the federal government and demonstrate our commitment and ability to have comprehensive, robust public safety oversight tailored for our community. Our work would not be as impactful or significant without strong relationships and collaboration with community partners and stakeholders. OIG is committed to continuing to facilitate difficult conversations between the community and SPD.

As OIG takes on the work of ensuring ongoing compliance with progress achieved under the consent decree, as well as working with SPD to continue innovation in public safety, I look forward to strengthening partnerships with community and stakeholders to foster public trust and police accountability in Seattle.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa A. Judge'. The signature is fluid and cursive.

Lisa A. Judge

The Office of Inspector General for Public Safety (OIG) is charged with systemic oversight of the Seattle Police Department (SPD) and Office of Police Accountability (OPA). In 2023, OIG efforts in pursuit of our mission included ongoing review, assessments, and audits of SPD policies and practices, as well as certification of OPA investigations into alleged officer misconduct.

### Annual Report Requirements

Each year OIG is required to produce a report describing our work, accomplishments, challenges, and priorities. This includes audit and policy work with SPD and OPA; recommendations developed through OIG projects, and evaluation of the extent to which the accountability entities and SPD are fulfilling their obligations under the Accountability Ordinance. The report also includes review of trends in: inquests; claims and lawsuits alleging SPD misconduct; successful and emerging practices in other jurisdictions; and OIG review of the OPA complaint-handling system (See Appendix A for the full requirements).<sup>1</sup>

Report requirements are addressed in the following chapters:

- **Strategic Leadership:** Strategic work performed by the Inspector General (IG) to advance the department mission, represent the expertise of OIG in stakeholder activities, and prepare OIG to sustain critical reforms after the Consent Decree is lifted.
- **Audits:** Audits and assessments performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) and reviews guided by GAGAS principles.
- **Policy and Compliance:** Policy and research for innovation and improvement informed by best practices and advancements from other jurisdictions, including major special projects that advance the Inspector General's vision for accountable policing. In 2023, this work also included transitioning consent decree compliance responsibilities to OIG from the Federal Monitor.
- **OPA Review:** Review and certification of OPA complaint handling and the OIG complaint intake system.

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1 In 2023, OIG was organized into four functional work areas with staff conducting audits, policy, standards and compliance, and investigations and OPA investigation QA (see Appendix B for OIG organizational chart). As a small department, office staff are frequently cross-trained and able to assist on cross-disciplinary projects where needed.

### HIGHLIGHTS

Strategic leadership efforts at OIG ensure projects and priorities foster effective systemic oversight of SPD and OPA and strengthen public trust. OIG monitored SPD use of force and actively collaborated with the City, Court Monitor, and other stakeholders to chart a sustainable path forward for accountable policing.

### Leadership and Collaboration

OIG leadership continues to engage in strategic planning and conversation with stakeholders regarding the future of policing, SPD operations during and after the Consent Decree, and monitoring SPD administrative investigations of significant uses of force. Examples of collaborative efforts included:

- Quarterly meetings between OIG, Community Police Commission (CPC), OPA, and SPD leadership to provide strategic coordination and monitoring of accountability recommendations from all oversight entities.
- Consent Decree sustainment meetings with partners to discuss SPD policies and planned sustainment assessments.
- Reports to Council at public committee meetings and responding to Council requests related to police protests and implementation of local ordinances related to the use by SPD of surveillance technologies.
- Participation in the City of Seattle state legislative agenda efforts.
- Regular meetings with SPD management and leadership.
- Community meetings and forums, and individual relationship building with community members.
- Regular meetings with American Civil Liberties Union (ACLU) leadership.

In 2023, OIG spearheaded multiple long-term projects requiring participation from SPD and other community groups. This work included:

- Development of dialogue policing models for facilitation of public demonstration events.<sup>2</sup>
- A second Safety in Traffic Stops roundtable to discuss data collection, a grants program for equipment violations, and de-prioritizing certain traffic stops.
- The first in a series of roundtables on the use of deception in public safety.

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2 OIG coordinated and facilitated the exchange of experiences and lessons learned on dialogue-based policing from the United Kingdom, Sweden, and Korea.

## Use of Force Oversight

The accountability ordinance specifically charges OIG with reviewing SPD handling of serious uses of force. OIG reviews force by various means, including on-scene IG presence at officer-involved shooting investigation scenes, presence during SPD internal use of force reviews, OIG audits, OIG review and certification of OPA investigations of allegations of officer misconduct, and IG technical assistance to SPD and other accountability partners on force-related matters.

The IG and/or her designee responds to investigation scenes of significant uses of force, such as officer-involved shootings, to provide independent observation of the unfolding investigation and ensure the scene is managed according to policy and accepted investigative protocols. Having civilian observers adds a layer of transparency to SPD operations to promote public trust and address community concern. It also provides an opportunity for real-time civilian feedback and the ability to ask clarifying questions on issues of potential importance to the community.

OIG leadership continued to attend Force Review Board (FRB) meetings and provide continuing feedback regarding FRB functioning. FRB provides critique of and insight into SPD uses of force.

### HIGHLIGHTS

OIG released two audit reports in 2023 related to Youth Access to Counsel and SPD Compliance with SMC 14.12 - Collection of Information for Law Enforcement Purposes. OIG also completed a series of ordinance-mandated Annual Surveillance Reviews, issuing 10 reports on various technologies during the year. As a fairly new office, OIG underwent peer review for the first time, receiving a “pass”—a significant achievement for a first review.

### Audit Standards and Practices

In performance of audits, OIG follows the GAGAS set by the United States Government Accountability Office. These standards contain requirements for how OIG auditors perform their work, including independence, objectivity, standards of evidence, and reporting. Organizations conducting audits in compliance with GAGAS are also required to undergo an external peer review to provide assurance of compliance every three years. Reviews, memos, or other non-audit products issued by OIG may follow similar evidence and quality control standards but do not purport to fully follow GAGAS.

### Completed Projects

#### Audit of SPD Compliance with Youth Access to Legal Counsel Requirements

OIG initiated this audit at the request of then-Seattle City Council Member Lisa Herbold to assess SPD compliance with youth attorney access laws which took effect in 2021 and 2022. The audit found that SPD officers generally did not take steps to provide juvenile detainees with access to an attorney when required. Widespread non-compliance limited the effectiveness of laws designed to protect some of the community’s most vulnerable members and steps are needed to address systemic reasons for non-compliance.

#### Follow-up Audit of SPD Compliance with Chapter 14.12 of Seattle Municipal Code

OIG initiated this audit as required by SMC 14.12, which governs the collection of information for law enforcement purposes. OIG found SPD complied with rules outlined in Chapter 14.12, with potential exceptions related to photo and video evidence captured during protest events. OIG also found that the Chapter, now more than four decades old, should be revised to reflect changes in technology and advancements in policing practices.

#### About ► Audits

OIG conducts performance audits and reviews of SPD to determine the health of department systems and processes. Topics are selected based on an assessment of risk that considers the impact of a potential issue and likelihood of a system problem. OIG uses a variety of methods, including interviews, data analysis, and best practices research to assess whether SPD is delivering “constitutional, professional, and effective police services consistent with best practices...in a way that reflects the values of Seattle’s diverse communities.”

## Annual Surveillance Reviews

OIG issued its first set of 10 Annual Surveillance Usage Reviews as required by SMC 14.18.060. These reviews described the usage of various technologies, including how data is shared and protected, and any potential for violation of civil liberties or disproportionate impacts resulting from use of the technology. Technologies reviewed included:

- Automated License Plate Readers (Patrol and Parking Enforcement)
- I2 iBase Link Analysis Software
- Audio Recording Systems
- 911 Logging Recorder
- Video Recording Systems
- Situational Awareness Cameras
- Coplogic
- Computer-Aided Dispatch
- Forward Looking Infrared Real-Time Video (FLIR)

## Projects in Progress

Significant work was performed on these projects in 2023.

### Audit of COVID Leave Administration

In July 2022, OIG initiated an audit to assess SPD controls preventing fraud, waste, and abuse of leave benefits. In late 2023, OIG was working to conclude the first audit report based on this work, focused on SPD controls to prevent abuse of paid leave for on-duty COVID-19 exposures, and how SPD funded COVID-19 leave for employees.

### Audit of Extended Leave Prior to Retirement

OIG also performed preliminary work on a second audit report related to leave administration in 2023. In this report OIG will examine controls for and impacts of extended periods of sick leave taken by officers prior to retirement.

## Deferred or Cancelled Projects

These projects were included in the 2023 workplan but were deferred or cancelled, as explained below.

### Audit of Community Safety and Communications Center (CSCC)

OIG anticipated performing an audit to examine issues resulting from the transition of the 911 call center from SPD to the Community Safety and Communications Center (CSCC). OIG did not initiate this project as an audit in 2023. Instead, the newly formed OIG Standards and Compliance began a series of ongoing assessments related officer dispatching. Future work related to CSCC, now known as Community Assisted Response and Engagement (CARE), will be guided by these ongoing assessments.

### Audit of Taser Effectiveness

OIG included an audit of taser effectiveness in the 2023 workplan. However, SPD is in the process of updating equipment from the Taser 7 to Taser 10, and OIG will perform this review when the new tool has been in-service for a time period suitable for evaluation.



## Recommendation Follow-up

In 2023, OIG assessed the implementation status of audit recommendations from the office’s first three audit reports. This is the first iteration of ongoing recommendation follow-up, and recommendation assessment will be ongoing. The following are outcomes from some OIG recommendations that have been fully implemented by SPD:

### Audit of Destruction of Post-Conviction DNA Evidence

**Finding:** The audit found significant overcrowding in the evidence warehouse, which resulted in measures taken to override controls.

**Recommendation:** “SPD should take immediate steps to address capacity issues at the Evidence Warehouse, which is 94 percent full and the vehicle storage facility, which is at 100 percent capacity.”

**Outcome:** SPD reported that capacity issues at the warehouse had been reduced and the evidence warehouse was down to 57% capacity in late 2022 by clearing a backlog of evidence set for disposal. SPD secured a new off-site garage with 36-38 spaces for long-term vehicle storage. Out of 128 spaces, 20 were available in September 2023 (84% capacity).

### Audit of SPD Patrol Canine Teams

**Finding:** The Canine Unit sergeants and lieutenant did not address inadequate performance, creating potential safety risks for officers and members of the public.

**Recommendation:** “Promptly assess the performance of all patrol canine teams to determine (1) ability to meet minimum state patrol canine certification requirements and (2) to determine whether these skills translate to field proficiency.”

**Outcome:** OIG reviewed certification records and found all patrol canine teams successfully passed their WSPCA certification and all are up-to-date. Current training/certification practices meet state standards and after-action reviews are conducted after serious incidents.

### Status of Recommendations Assessed in 2023

Audit Report	Status <sup>3</sup>			
	Fully Implemented	Open/Pending	Closed: Non-Concur	Closed: Administrative
Audit of Chapter 14.12 Compliance (2019)	4		1	
Audit of Destruction of Post Conviction DNA Evidence	1	2		
Audit of SPD Patrol Canine Teams	11	3		1
<b>Total</b>	<b>16</b>	<b>5</b>	<b>1</b>	<b>1</b>

3 See Appendix C for status definitions.

### HIGHLIGHTS

In 2023, OIG policy work focused on completing the review of SPD actions during the 2020 protests through the Sentinel Event Review (SER) process, transitioning monitoring duties from the Federal Monitor and drafting the 2023 SPD Use of Force Assessment, convening phase two of the Safer Traffic Stops workgroup, and reviewing proposed legislation on police accountability and public safety by the state legislature. The transition of the monitoring team resulted in newly established “Standards and Compliance” team at OIG.

### Policy Overview

In 2023, OIG continued to focus on community and data driven policy projects. As in 2022, a central theme guided policy unit work on these projects: the gap between SPD structural legitimacy—what SPD is permitted to do according to law and policy—and its perceived legitimacy—the extent to which the public believes SPD actions are proper and justified. Multiple OIG policy projects, including the work on safer traffic stops, resulted in policy recommendations intended to close the legitimacy gap and better align SPD policy with public expectations.

OIG complemented the efforts of three full-time staff members—a supervisor and two analysts—by engaging academic researchers with relevant subject matter expertise who assisted in the analysis and execution of multiple projects.

### Overview of Policy Projects

#### Staffing Study of Sworn vs. Civilian Investigations of Police Misconduct

The 2017 Accountability Ordinance enabled the Office of Police Accountability to hire civilian investigators onto its staff. Through collective bargaining, it was determined that OPA would “civilianize” two supervisory positions and two investigators. In response to Resolution 31753, Section 4.6, OIG began an evaluation of the impact of OPA hiring civilian employees within its investigation staff.

OIG designed a cross-jurisdictional review of staffing and police misconduct allegations in 2022.<sup>4</sup> In 2023, OIG published an assessment comparing civilian and sworn hires to determine if any measurable difference exists between their investigations, decisions, and past affiliations.

#### Safer Traffic Enforcement Workgroup

In 2023, OIG built upon previous work in 2021 to address concerns around low-level traffic enforcement by SPD. This second phase of work continued a process of stakeholder engagement to foster conversations about ways to reduce potential harm and danger associated with traffic stops, and to generate recommendations that focus enforcement efforts on legitimate public safety issues. OIG held five roundtable sessions

#### About Policy

OIG produces policy reports and conducts research and special projects with the goal of fostering innovation and providing insight into issues affecting the Seattle police accountability system, while being responsive to the intersection of constitutional policing and social justice. To that end, OIG conducts data and policy analysis, collaborates with a range of stakeholders, and engages directly with community members.

4 Prior to 2021, there was an absence of data for the assessment. OIG has continued to track aspects of the issue and established baseline metrics to conduct future assessments.

between July and August to discuss data collection, deprioritization of low-level traffic offenses, and non-enforcement alternatives for equipment violations. The meetings resulted in 10 recommendations aimed at enhancing roadway safety for Seattle drivers.

### Review of SPD Mutual Aid

In mid-2019, OIG began an audit of SPD operations when engaging with other agencies under task force and mutual aid agreements to assess compliance with SPD policy. In 2023, OIG transitioned the GAGAS-compliant audit to a policy project. OIG worked with the Seattle Police Operations Center (SPOC) to identify all active mutual aid agreements between SPD and local law enforcement agencies. SPOC also provided OIG with a log of requests for SPD mutual aid since 2014.

### Sentinel Event Review: Wave 4

In late 2020, OIG began a Sentinel Event Review (SER) of SPD’s response to the 2020 protests. The Sentinel Event Review (SER) seeks to identify root causes of sentinel events (significant, negative events which signal the existence of systemic problems) to prevent their recurrence.

The Wave 1 report was published in July 2021 with 54 recommendations for the City and SPD; Chief Diaz issued a response letter in October 2021. The Wave 2 Report was published in March 2022 with 26 recommendations for the City and SPD; Chief Diaz issued a response letter in May 2022. The Wave 3 Report was published in October 2022 with 34 recommendations made to the City and SPD.

The Panel completed its Wave 4 review in November 2022. In April 2023, OIG published the Wave 4 Report with 22 recommendations for the City and SPD. SPD issued a comprehensive response to all 136 SER recommendations in July 2023.

### Status of SER Recommendations Assessed in 2023

The table below shows the status of the SER recommendations per SPD’s response in July 2023. The table is organized by recommendation theme and includes all recommendations across the four Waves.<sup>5</sup>

SER Theme	Status <sup>6</sup>				
	Fully Implemented	Open/Pending	Partially Implemented	Closed: Non-Concur	Closed: Administrative
Accountability	5	3		1	
Communication	14	21			
Crowd Management	20	16			
Procedures	6	3			
Situational Awareness	8	11	2	2	
Training	2	3			
Use of Force/Crowd Control	5	10		1	3
<b>Total</b>	<b>60</b>	<b>67</b>	<b>2</b>	<b>3</b>	<b>3</b>

5 SPD’s response did not include the status of one Use of Force/Crowd Control recommendation from Wave 1. The table shows the status of the other 135 recommendations.

6 See Appendix C for status definitions.

## State Legislative Agenda

Each year, OIG issues recommendations on the City's State Legislative Agenda (SLA) and on proposed state-level legislation related to police accountability and public safety. Priorities are determined by assessing themes of OIG work to identify areas where legislative efforts might improve systems of policing. OIG policy recommendations consider laws, practices, and stakeholders. OIG also reviews emerging legislation on police and police accountability nationwide to stay informed on emerging national trends and best practices.

In 2023, OIG consulted with a wide range of stakeholders to review legislation, including community-based organizations and public agencies such as the Office of Intergovernmental Relations (OIR), The Office of the Mayor, OPA, and CPC.

## SPD Consent Decree Monitoring Assessment Transition

Appointed by City ordinance and approved by the Federal Police Monitor, OIG is charged with overseeing SPD fidelity to reforms upon termination of the Consent Decree. The OIG policy unit developed a monitoring assessment plan in 2022 to ensure police services continue to be delivered in full compliance with the Constitution and other federal laws. The assessment transition began in 2023 with the evaluation of SPD response to and reporting of use of force, stops and detentions, crisis intervention, supervision, and disparities related to policing practices.

The Policy Team worked with the newly formed Standards and Compliance Team on the transition plan and Use of Force Assessment.

## Standards and Compliance Overview

The Standards and Compliance Supervisor was hired in June 2023; a Senior Policy Analyst and Statistical Analyst were hired in August 2023. This new team is responsible for assessing ongoing fidelity to the Consent Decree. This oversight will encourage innovation and improvement of policing for the benefit and protection of the community. As portions of the Consent Decree remain in place, OIG has worked closely with the Federal Monitor and SPD to be responsive to Court Orders. OIG has also looked beyond the requirements of the Consent Decree to be responsive to emerging areas of assessment.

### ***Workplan for the Transition of Monitoring Responsibilities***

OIG developed a comprehensive plan outlining the transition of monitoring responsibilities from the Federal Monitor to OIG, including developing methodologies and corresponding timelines for ongoing assessments.

### ***Use of Force Assessment***

OIG was ordered by the Federal Court to conduct an assessment of SPD Use of Force. The assessment included quantitative information about SPD use of force, a descriptive "map" of the force investigation and review process, a qualitative review of the Force Review Board (FRB) process, and an update on SPD Crowd Management policies related to use of force and work with SPD to develop a plan for force reporting and review in mass force incidents.

OIG collected data for a qualitative and quantitative assessment of SPD use of force. This included at least weekly attendance at Force Review Board (FRB) meetings, interviewing FRB stakeholders, meeting with SPD leadership to provide feedback, and review of force review policies. OIG also reviewed and analyzed the data that SPD gathers on officer use of force.

### ***SPD Use of Force Mapping***

OIG developed an infographic visualization of SPD's Use of Force Workflow Process which includes a descriptive "map" of SPD force investigation and review process for each level of force. The visualization is included in the 2023 Use of Force Assessment.

### **Assessment of SPD’s Data Transparency, Usability, and Accessibility**

OIG continued to collaborate with SPD to increase SPD’s data transparency, accessibility, and usability. In 2023, OIG evaluated SPD’s publicly available data dashboards using nationally recognized metrics to identify pre-existing strengths and potential improvements.

### **Crisis Assessment**

In late 2023, OIG began an assessment of SPD response to individuals in crisis by attending and evaluating the 40-hour Crisis Intervention Training (CIT) Certification training. This training, while not hosted by SPD, is used to certify SPD officers in crisis response. OIG developed rubrics to assess the training based on CIT best practice principles and adult learning criteria. OIG will incorporate this assessment into the final crisis assessment report and share any feedback with SPD in advance of the final reporting.

### **SPD Claims**

Persons alleging fault by SPD for incidents resulting in loss, injury, or damages can file claims with the City. Claims are reviewed and investigated by the Seattle Risk Management Office and can result in the City:

1. Paying a sum of money;
2. Transferring the claim to another entity; or
3. Denying the claim, finding no evidence of city negligence.

In 2023, Seattle Finance and Administrative Services tracked 206 claims filed against SPD. As of the time of writing, 22 claims remain open and 280 have been closed; 122 of the claims made in 2023 have reached settlements with the City, including one which has since been reopened. Table 4.2 shows the breakdown of claims made against SPD and payments made by the city from 2020–2023.

**Table 4.2: SPD Claims and Payouts 2020-2023\***

	Claims Filed	Claims Settled	Payment
2020	266	116	\$595,370
2021	235	110	\$128,991
2022	138	35	\$362,608
2023	206	121	\$2,063,850

\*This table reflects the data available to OIG at the time of publication.

### **SPD Claims Related to 2020 Protests**

OIG tracks claims related to the 2020 protests. Seven protest-related claims were filed and 25 settled in 2023. OIG will continue to track 2020 protest claims as remaining claims are processed.

### **SPD Lawsuits**

Lawsuits brought as a result of SPD operations generally involve labor disputes, torts, or police action. In these cases, SPD is counseled and represented by the City Attorney’s Office (CAO) Civil Division. There are four possible resolutions for litigation: dismissed no payment, settlement, judgment with payment, and judgment without payment.

### ***Torts***

Torts involve allegations of personal injury and property damage related to SPD. These include allegations of police negligence unrelated to use of force, such as injury caused by an SPD employee traffic accident. In 2023, three tort claims were filed against the City and five were closed. Five tort claims were filed in previous years and remained open in 2023.

### ***Police Action Lawsuits***

Police actions result from allegations that SPD operations, personnel actions, equipment, or vehicles were responsible for loss, injury, or damage. Four police action cases were filed against the city in 2023; four police action lawsuits were filed in previous years and active in 2023. Two lawsuits were resolved by settlement in 2023.

### HIGHLIGHTS

OIG is committed to continuing its work with OPA to achieve fair and consistent outcomes, focusing on issues that remain vitally important to fostering and maintaining public trust. OIG found that OPA conducted thorough, objective, and timely investigations in 2023, achieving full certification in just over 92% of cases.

### Classification Review

Upon receiving a complaint, OPA conducts a preliminary review (referred to as an “intake”) and determines whether a full investigation or another resolution is appropriate to address allegations. Consistent and proper classification of complaints is a matter of public trust. To ensure complaints are assessed in a fair manner and in accordance with OPA and SPD policies, OIG reviews OPA classification decisions to determine:

1. If the classification was appropriate; and
2. If OPA properly identified all allegations and associated employees.

Complaints that are routed for a full investigation are reviewed at the conclusion of the investigation and do not undergo classification review by OIG. In 2023, OPA conducted 200 full investigations out of 2,107 contacts reviewed by OIG.

There are four primary classification types:

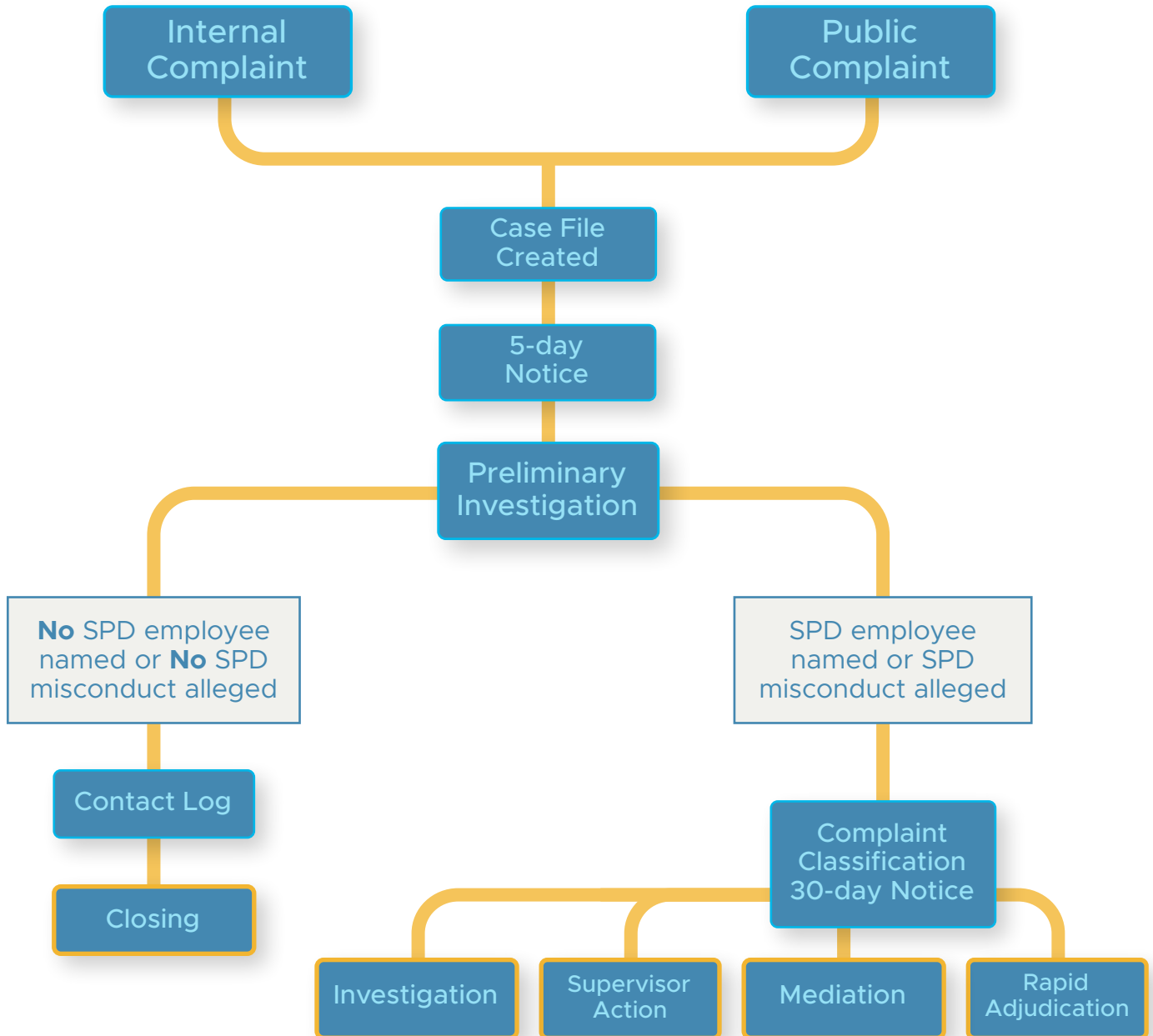
1. **Contact Log:** Used when a complaint does not involve an allegation of possible misconduct against an SPD employee, or there is insufficient information to proceed. OPA records the intake with a case number and sends the Complainant a closing letter but does not take any other action.
2. **Supervisor Action:** Used when the complaint involves a minor policy violation or performance issue that OPA determines is best addressed by the employee’s Chain of Command. This can include training, communication, or coaching. It can also be used to address allegations that are not a violation of policy, but impact customer service or effectiveness.
3. **Expedited Investigation:** Used when the Complainant alleges a serious policy violation where preliminary evidence disproves the allegation, or proves minor misconduct may have occurred, but OPA has determined it is best handled through a training referral or management action rather than discipline. Expedited cases are reviewed by OIG simultaneously for both proper classification and certification of the investigation. If OIG disagrees with this classification, OPA reclassifies the case for further investigation.
4. **Investigation:** Used in cases of alleged serious misconduct, that if true, would be a violation of SPD policy or law. Following an investigation, including interviewing witnesses, and named employees, OPA issues a recommended finding that could result in formal discipline.

OPA uses other case disposition programs including **Rapid Adjudication and Mediation** which are discussed further below.

#### About ▶ OPA Review

OIG oversight of OPA ensures accountability at two critical junctures in the handling of misconduct allegations against SPD employees. First, OIG reviews the classification decision made by OPA to ensure a complaint is routed appropriately. Second, when an investigation is complete, OIG reviews the investigation, provides feedback, requests additional investigation when necessary, and certifies whether the investigation was thorough, timely, and objective. If a conflict of interest prevents OPA from handling a complaint made against one of its employees, OIG investigates the complaint. After assuming responsibility for investigation of a complaint, OIG follows the OPA process to maintain consistency in the system, with the same authority as OPA.

Figure 5.1. OPA Case Intake Process





## Classification Review Methodology

OPA began operating under a new manual in 2022. OPA previously used a 2016 court-approved manual, which only identified two classification types: Supervisor Action and Investigation. Since 2016, OPA has created a new classification type, Expedited Investigation, and redefined the Contact Log classification from an administrative function into a classification type. When assessing classifications in 2023 for appropriate designation, OIG relied upon the criteria outlined in the 2022 OPA Manual, the Accountability Ordinance, and on the definitions created by OPA for the new classifications.

In 2023, OIG reviewed all classification determinations on a rolling basis throughout the year. OIG previously reviewed a sample of OPA's classifications on a quarterly basis. The new methodology for reviewing cases allows OIG to provide more timely feedback in situations where OIG does not concur with a classification decision, and often leads to cases being re-classified when non-concurrence occurs. In 2023, OIG used the following review methodologies:

- **Expedited Investigation:** OPA proposes a case for expedited investigation, which is reviewed individually at the time of classification. If OIG did not concur with the proposal, OPA reclassified the case for further investigation (also referred to as a full investigation).
- **Supervisor Action:** Reviewed individually on a weekly basis as OPA determines the classification. In instances where a case is classified as an investigation, OIG reviews the Supervisor Action at the time the Supervisor Action is added to the casefile.
- **Contact Log:** Reviewed individually on a weekly basis after OPA determines classification.
- **Rapid Adjudication:** Reviewed prior to official classification to ensure OIG agrees the complaint is appropriate to handle through Rapid Adjudication.
- **Mediation:** Reviewed prior to official classification.

It is important to note that OIG's review of cases occurs at different intervals after a complaint is filed with OPA, based on the classification type. For example, a contact log may be ready for OIG review in only a few days, while an Expedited Investigation is typically sent to OIG approximately 30 days after a complaint is filed with OPA. This can result in the number of cases OIG reviewed in 2023 will differ from the number of cases OPA reports receiving or closing in a calendar year.

## Classification Review Findings

In mid-2022, OIG began reviewing all classification decisions on a weekly basis, a practice which continued through 2023. Table 5.1 below provides review data by classification type.<sup>7</sup>

Table 5.1. OIG and OPA Classification Concurrence by Case Type

OPA Classification	Review by OIG	Level of Concurrence
Contact Log	85	96.5%
Batch Contact Logs	1,317	100%
Supervisor Action	178	97.2%
Expedited Investigation	145	98.6%
Bias Reviews	198	100%
Rapid Adjudication	3	100%
Mediation	1	100%
<b>Total</b>	<b>1,927</b>	

## Expedited Investigations

In 2023, OIG concurred with approximately 98.6% of cases (143 of 145 total expedited requests) designated for handling as Expedited Investigations (see table 5.1). This is consistent with 2022, when OIG concurred with 97.8% of cases proposed as Expedited.

In some proposed Expedited classifications, OIG did not initially concur due to insufficient evidence or other deficiencies; OIG requested additional information from OPA in these cases. In many instances, OPA was able to remedy identified deficiencies prior to classification to gain concurrence and receive certification of the Expedited Investigation. In other proposed Expedited Investigations, OIG did not concur with OPA's assessment on the appropriateness of this classification, and these cases were reclassified. Finally, expedited allegations were accepted on some proposed allegations but not on others. In these cases, OPA received a certification for allegations accepted as an Expedited Investigation, with the case then bifurcated, remaining allegations were fully investigated. In 2023, OIG issued multiple certifications on 18 individual cases, an increase from ten in 2022.

## Contact Logs

A Contact Log classification can be handled in two ways. Complaints with sufficient information to evaluate and undergo a full intake process are assigned a case number (85 in 2023). Complaints that do not meet the low threshold to allow for evaluation are not assigned a case number and are stored in a Batch Log (1,317 in 2023, see table 5.1).

<sup>7</sup> Prior to 2019, OIG conducted individual classification review, resulting in a high level of agreement because OIG provided real-time feedback to OPA prior to decisions. When OIG moved to quarterly sample review of classification decisions in 2019, retrospective assessment produced less concurrence and provided only opportunity for future improvement. In 2022, OIG returned to conducting individual classification review.

The Batch Log is for general contacts with OPA where no policy violations are alleged. These contacts are compiled under a single IAPro case file. During 2023, OIG reviewed these intakes on a weekly basis to ensure appropriate disposition and to identify possible systemic concerns in a timely manner. OIG did not identify any complaints in the Batch Contact Logs alleging serious misconduct by SPD employees. Complaints included in the log were often regarding another jurisdiction or department, media requests, questions about public records, or issues otherwise unrelated to policy violations.

OPA appears to use the Contact Log category appropriately, as OIG had a high level of concurrence with these case classifications in 2023. However, where non-concurrence was noted, the determination was based on the following:

1. Contact Logs contained alleged policy violations, where OIG determined an Expedited Investigation would have been the more appropriate classification.
2. The basis to justify the classification was inconsistent with the Contact Log policy.
3. OIG determined the allegation had significant implications for public trust and, therefore, warranted more investigation.

## Supervisor Actions

In 2023, OIG's rate of concurrence for Supervisor Actions was 97.2%. OIG reviewed Supervisor Action classifications on a weekly basis in 2023, allowing for a timely review shortly after classification. Additionally, OIG reviewed Supervisor Actions that were part of higher levels of classification (such as Investigations and Expedited Investigations) to ensure Supervisor Actions were reviewed in a timely manner, and not at the conclusion of the investigation.

## Investigation Review

OIG certifies whether OPA investigations are timely, thorough, and objective using criteria delineated in the Accountability Ordinance, including whether:

- Witnesses were contacted, interviewed, and all other material evidence was collected in a timely manner.
- Interviews were thorough and unbiased, conflicting testimony was sufficiently addressed, and OPA investigators did not shy away from asking challenging and necessary questions.
- Additional clarifying information would strengthen the investigation.
- The written summary and analysis are objective and accurately reflect the evidence.
- Applicable OPA procedures were followed, and the intake and investigation were conducted in accordance with the OPA Manual.

## Investigation Review Methodology

OIG considers each investigation on a case-by-case basis to assess whether OPA has sufficiently addressed the allegations brought forward in accordance with the accountability ordinance, the relevant collective bargaining agreement(s), and the OPA Manual requirements to achieve procedural justice.

When examining the **timeliness** of OPA investigations, OIG examines whether:

- Completion of the investigation is within 180 days, minus any period in which an extension was granted or time was tolled, otherwise discipline cannot be imposed.
- Named employees are notified of complaints against them within five business days.
- Complaints are classified within 30 calendar days after receipt.
- Named employees are notified in advance of interviews in accordance with labor contract requirements; and investigations are submitted to OIG in a timely manner to afford sufficient time for feedback and additional OPA investigation if requested or directed by OIG.

When assessing the **thoroughness** of OPA investigations, OIG examines whether:

- All allegations are identified, and each allegation is sufficiently addressed.
- Investigation steps are clearly documented.
- Relevant evidence is collected and accurately reflected in the OPA report.
- Interviews are comprehensive.
- Complainants are offered the chance to be interviewed regarding their allegations.
- Perishable evidence has been preserved where possible.

When assessing the **objectivity** of OPA investigations, OIG examines whether:

- The investigation includes all relevant evidence.
- Facts and analysis are conveyed in a manner that does not express or indicate bias.
- Conflicting testimony has been addressed.
- Interviews do not use leading or suggestive questions.
- The intake and investigative process complied with the policies set forth in the OPA Manual.

During the review process, OIG feedback to OPA may include formal requests (e.g., a memo directing additional investigation) and informal requests or inquiries via email or Teams meetings. If OIG identifies a deficiency that would impact the certification or case outcome, OIG will formally direct additional investigation or require modifications to the investigative record. In such cases, after being provided with the opportunity to resolve any identified deficiencies, OPA resubmits the case to OIG for review and a certification decision. Informally, OIG may offer suggestions regarding further investigative steps, request minor fixes to the investigative record, or provide feedback for future cases.

## Investigation Review Findings

In 2023, OIG issued 344 certifications for 325 cases, with 18 bifurcated cases receiving multiple certifications. As depicted in Table 5.2, approximately 41.3% (142 out of 344) of all certifications in 2023 were for allegations handled as Expedited Investigations. The remaining 58.7% were processed as Investigations. Table 5.2 represents all certifications issued by OIG in 2023, as the 18 bifurcated cases received more than

one certification. Overall, just over 92% of certifications issued by OIG found OPA investigations to be objective, thorough, and timely.

**Table 5.2. Certification Review Outcomes by Investigation Type<sup>8</sup>**

Case Type	OIG Certifications	Full Certification	Partial Certification	Null Certification
Expedited Investigation	142	136	6	0
Investigation	202	181	21	0
<b>Total</b>	<b>344</b>	<b>316 (91.9%)</b>	<b>27 (7.8%)</b>	<b>0 (0%)</b>

## Partial Certifications

OIG issued 28 partial certifications in 2023. The main certification deficiency was timeliness of investigations (22). Of the 22 untimely investigations, 16 involved a late five-day or 30-day notification to the Named Employee, as required under SPOG and SPMA’s CBAs. Deficiencies in timeliness may potentially impact OPA’s ability to impose discipline if allegations are sustained. Additionally, four investigations were found to not be thorough, and one was found to not be objective. The number of partial certifications issued in 2023 was 28 of 344 certifications issued (7.8%) and is nearly identical to the 27 of 344 (7.8%) partial certifications issued in 2022.

**Table 5.3. Certification Issues by Category**

OIG Certifications	Total Count	% of Total Cases
Partial: Not Objective	1	0.3%
Partial: Not Thorough	4	1.2%
Partial: Not Timely	22	6.4%
<b>Subtotal</b>	<b>27</b>	<b>7.8%</b>
Full: Timely, Thorough & Objective	317	92.2%
<b>Total Certifications Issued by OIG</b>	<b>344</b>	<b>100%</b>

Note: Percentages are rounded to the nearest tenth of a percent.

<sup>8</sup> Table 5.2 provides a breakdown of certifications issued by OIG, rather than total number of cases reviewed. 18 cases were bifurcated and receive more than one certification.

## Alternative Programs

### Rapid Adjudication

In 2019, OPA began the Rapid Adjudication program. The program is described in the Seattle Police Officers Guild (SPOG) and Seattle Police Management Association (SPMA) Collective Bargaining Agreements (CBA) as well as on OPA's website. Rapid Adjudication is an option for employees who are willing to acknowledge their conduct was inconsistent with policy and accept discipline without undergoing a full investigation by OPA. Rapid Adjudication can be initiated by a named employee or by OPA.

In 2023, three cases were sent to OIG requesting review for Rapid Adjudication. Although OIG fully certified all three cases, two cases were not ultimately processed as a Rapid Adjudication. In one instance the Named Employee declined Rapid Adjudication; in the other instance OPA determined the case did not meet Rapid Adjudication standards. Both cases were re-classified for investigation, which OIG again certified. Because OIG certified all three cases, they are all counted in Table 5.1.

### Mediation

OPA may offer Mediation to Complainants and Named Employees to resolve disagreements (especially those involving possible miscommunication or misperception) with the guidance of a neutral third party. When accepted by both parties, mediation provides final resolution of the case.

In 2023, one case was successfully resolved by OPA through this alternative resolution program. OIG will continue to review this program and its implementation going forward. While Mediation is not appropriate for some allegation types, OIG encourages OPA to continue to develop and utilize this program. Mediation offers Complainants the opportunity to directly engage with an SPD employee to share their perspective, gain understanding, and offers an opportunity to foster public trust.

### Bias Reviews

Bias-free policing and appropriate attention to bias allegations are integral to police accountability and public trust. While Bias Reviews are not an official OPA classification, they are one of two processes by which biased-based policing allegations against SPD personnel can be addressed. The second process is to file a complaint directly with OPA.

Bias Reviews are an internal process specified in SPD policy. When a community member alleges bias-based policing, a supervisor must be called to the scene to conduct a preliminary investigation. The reviewing supervisor discusses the allegation with the individual and provides an explanation of the option to file a complaint with OPA. If the community member does not ask that the matter be referred to OPA, and if the supervisor determines through a preliminary investigation that no misconduct occurred, the supervisor will resolve the matter by filling out a Bias Review Template. If the individual does not cooperate with the Supervisor or has left the scene, the Supervisor is required by policy to review Body Worn Video to assess what occurred and complete the template. The completed templates are reviewed by the Chain of Command and by OPA prior to being closed.

In 2023, OIG reviewed each Bias Review following the OPA Director's evaluation. OIG's reviews were conducted on a weekly basis and resulted in a 100% concurrence with OPA's evaluations in 2023.

## Additional Themes

### OIG Investigations

OIG opened 13 cases in 2023. Of those cases, four were classified for investigation, one was classified as a Supervisor Action, and the remaining eight were classified as Contact Logs. As OIG investigations are completed, closed case summaries are posted to the OIG website.

### Chief of Police Complaints

OIG and OPA identified an investigative gap in the accountability ordinance with no provision for the investigation of complaints against the Chief of Police. As a result, in 2022, the City Council passed City of Seattle Ordinance 126628, which provides both the authority to investigate the chief and guidance on doing so. OIG is required to report on the number of complaints against the chief resolved through a contact log classification. For 2023, eight complaints against the chief were closed as contact logs.

### Complaint Hotline

The accountability ordinance requires OIG to maintain a hotline for community complaints against SPD.<sup>9</sup> OIG received around 400 calls and email complaints in 2023. These complaints are triaged and either responded to by OIG staff or routed to the appropriate department. In 2024, OIG will have an improved system for tracking and reporting on hotline complaints.

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9 Ordinance 125315, 3.29.200 ¶18

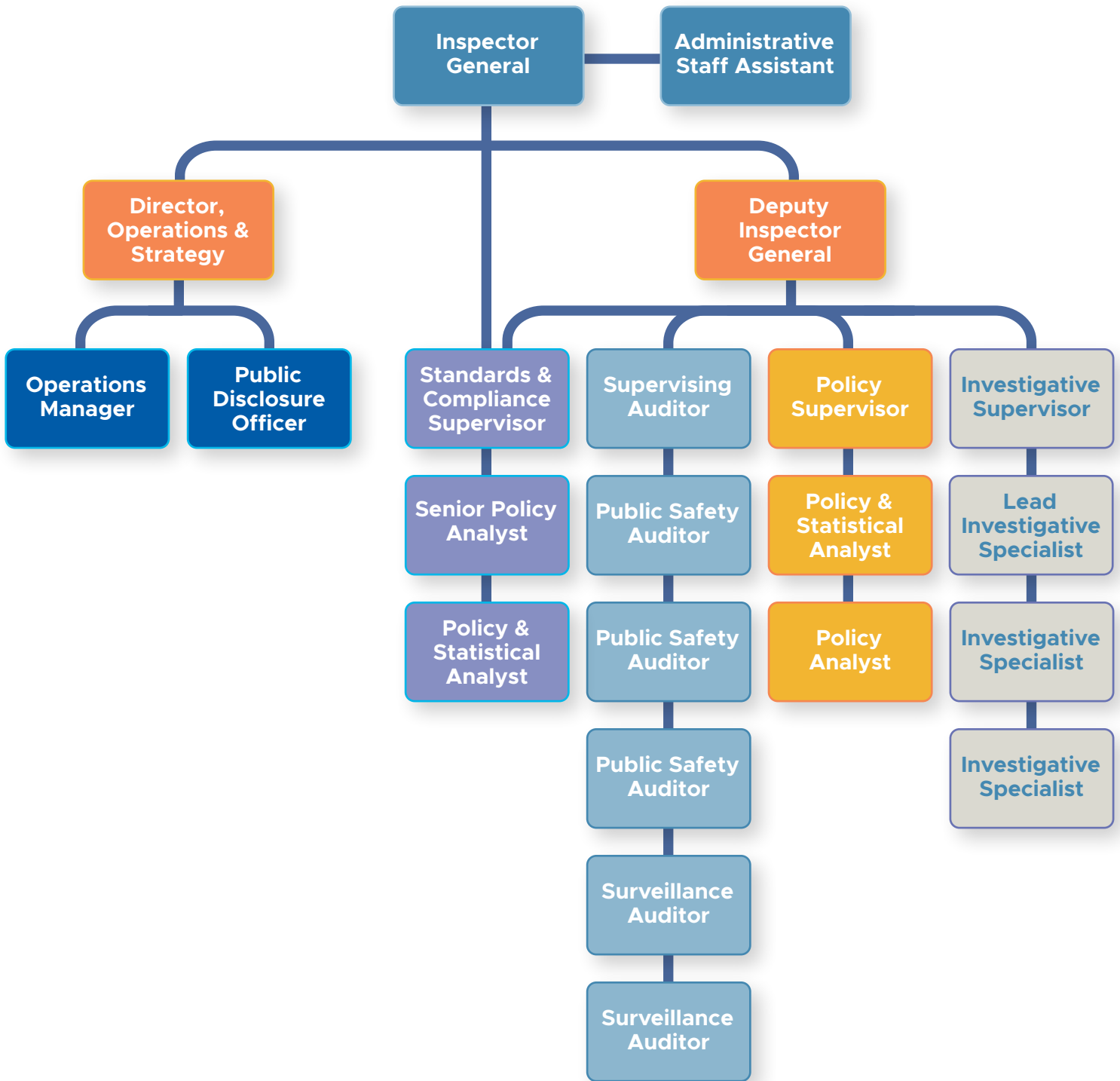
### Ordinance 125315, §3.29.270.D

The Inspector General shall produce annual reports that are readily understandable and useful to policymakers. The annual report shall include, but not be limited to, the following:

1. A summary of OIG's audit and review activities for the previous year;
2. An evaluation of the extent to which the purposes, duties, and responsibilities detailed in this Chapter 3.29 have been met by the responsible entities;
3. A description of the work of OIG in fulfilling OIG's purpose, duties, and responsibilities detailed in this Chapter 3.29;
4. Inspector General recommendations for changes in policies and practices, collective bargaining agreements, City ordinances, and state laws;
5. A summary of the implementation status of any previous OIG recommendations, and for any that have not been implemented, the reasons;
6. A summary of OIG's review and the outcome of SPD reviews for officer-involved shootings, in-custody deaths, and any other cases of significant public concern;
7. An analysis of any patterns and trends of disproportionality or other concerns compared to previous years, including from review of inquests, claims and lawsuits alleging SPD misconduct;
8. The outcome of reviews of successful practices in other jurisdictions, and any associated OIG recommendations, including for changes in the mix of OPA sworn and civilian staff;
9. A summary of information received from OIG's hotline, any of its other anonymous intake systems, and from community outreach that has informed OIG's work; and
10. A summary of OIG's review of OPA's complaint handling system, including at a minimum:
  - a. The number of investigations reviewed;
  - b. A general description of the complaints and cases reviewed by OIG;
  - c. A description of OPA's follow-up for those cases which OIG did not certify and those cases for which OIG requested or required further investigation;
  - d. A review of cases not investigated by OPA, including Contact Logs, Supervisor Action referrals, mediation, Rapid Adjudication, Management Actions and Training Referrals; and
  - e. A description of any concerns or trends noted in OPA complaint intake and investigations.



Seattle Office of Inspector General 2023 Organizational Chart



### Recommendation Status Definitions:

- **Open/Pending:** SPD has received or is currently working to implement the recommendation. OIG will follow up on the recommendation in the future.
- **Partially Implemented:** SPD implemented part of the recommendation and provided rationale for why it was not fully implemented. OIG will no longer request updates.
- **Fully Implemented:** OIG has determined that the recommendation or the intent of the recommendation has been met. OIG will no longer request updates.
- **Closed – Administrative:** The recommendation is no longer relevant or feasible.
- **Closed – Non-Concur:** SPD management does not agree with the recommendation and does not intend to implement the recommendation.