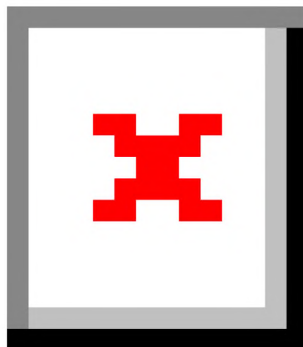


OPA Case & Policy Update: Volume 31

From: Office of Police Accountability <policeaccountability@subscriptions.seattle.gov>
To: "Ziemer, Joshua" <joshua.ziemer@seattle.gov>
Date: Fri, 13 Nov 2020 12:16:48 -0800



Case & Policy Update

Volume 31 | November 13, 2020

Update on Protest Cases

It has been a while since OPA has had the bandwidth to write a [Case & Policy Update](#). As you know, we have been processing thousands of demonstration-related complaints. At this point, the complaints have resulted in over 120 investigations. We update our [Demonstration Complaint Dashboard](#) every three weeks to show the status of those investigations and link to new batches of closed case summaries.

Generally, OPA processes these investigations in a queue based on when they are received, but some investigations take longer than others due to various factors, such as number of interviews needed or the amount of evidence to review. To date, [14 protest investigations](#) have been completed. Five of those cases contain one or more allegations in which OPA recommended a sustained finding.

OPA has undertaken a more proactive approach to interacting with the media on protest-related issues. This is intended to increase transparency and decrease misinformation. We are also trying to reach more people by providing information in a variety of formats (e.g., Twitter, web dashboard, TV, print/online news, radio). In addition to written closed case summaries, we have made a few [videos](#) to help viewers see how OPA arrived at certain findings using a combination of on-screen text, ICV, BWV, and bystander video. We hope to continue to do this, resources permitting.

Criminal Referrals Explained

In complaints alleging criminal misconduct or where potential criminal misconduct is identified during OPA's preliminary review, we are responsible for referring the case for criminal investigation. There are multiple factors that can influence why and when a criminal referral is made. Most often this is done where OPA believes it possible that, if the allegations against the officer are true, the officer engaged in acts that were malicious or exhibited a clear and blatant disregard for the law or for the safety or rights of another.

It is important to note that by referring a case criminally, it does not mean OPA has conclusively determined that a crime was committed. It just signifies OPA's belief that potential criminal activity has occurred, and given that OPA cannot, by contract, investigate such allegations, it must be sent to a law enforcement agency for review.

When making a criminal referral, OPA notifies the Chief of the Criminal Investigations Bureau and requests that an investigation be initiated. OPA has the right to request that an outside law enforcement agency conduct the investigation; however, the decision as to which agency will do so is up to the Chief of Police. In virtually all cases where a criminal referral is made, no five-day notice will be sent. This is permitted by contract. Once the case is returned to OPA, a classification

report is provided to the employee. All cases that are criminally investigated must be provided to a prosecutor for a charging decision. If the case is charged, OPA's investigation tolls until the conclusion of the prosecution. If the case is not charged, it is returned to OPA and we commence the administrative investigation.

During recent protests, OPA referred three cases for criminal investigation. Two involved officers who were alleged to have driven their vehicles at pedestrians. In both cases, video of the incidents raised enough questions concerning the vehicle operations and the risks to safety of pedestrians to warrant criminal inquiries. The third case stemmed from a video that appeared to show an officer rolling a bicycle over the head of a demonstrator lying on the ground. OPA referred this case criminally because if the act was intentional, it was a malicious use of force against a non-resistive individual.

SPD Employees Going Above & Beyond

In October, a 911 caller in the North Precinct stated she observed two males, one potentially bound and gagged, that she thought was perhaps a kidnapping or a "drug deal gone bad." Officers responded to the call and stopped the males. It turned out to be a caretaker taking his disabled client out for a walk. Both men were wearing masks due to COVID. The caretaker's supervisor, who was upset primarily because of the reasons for which his employee was stopped rather than the conduct of the officers who responded, filed a complaint.

OPA believed that the best way forward was to have North Precinct supervisors meet with the individuals directly. This would allow the complainant to see that SPD cares what happens to people when they are unfairly identified as a subject of potential criminal activity by other citizens, especially when bias on the caller's part may have been a driving force. A captain and lieutenant agreed to have this meeting and a productive and impactful conversation with the involved individuals ensued. All parties agreed this incident was unfortunate but not the result of ill will on the part of the officers. This is an example of some of the important, yet unheralded, work SPD employees are doing.

OPA Case Timelines

While OPA is trying to prioritize protest cases due to immense public interest, we are also continuing to complete and issue findings in all other investigations. If you currently have an open case, you should receive an email notification when an investigation is complete, along with the findings. If you believe that you did not receive a notification when you should have, please contact OPA at opa@seattle.gov. Various cases received timeline extensions due to COVID and protests. If you want to know whether your case has received such an extension, please reach out and we will provide you with the updated 180-day deadline.

OPA continues to operate consistent with COVID prevention best practices. For everyone's safety, we are spreading out interviews, sanitizing the interview room, and having as few people in the office as possible. This has not resulted in any recent interview delays. Please inform your investigator if you believe you may be suffering from potential COVID-related symptoms. This will ensure that there is no risk of spread or further delay in the completion of OPA investigations.

The legal analysis and opinions herein are OPA's own and do not state the positions of the Seattle Police Department (SPD). SPD employees should seek the formal advice of SPD Legal, Precinct Liaisons, and the City Attorney's Office when legal questions arise in the field.

OPA also posts the Case & Policy Updates [here](#).

Seattle Office of Police Accountability

720 3rd Avenue

Suite 1800

Seattle, WA 98104

Phone: 206-684-8797





[Manage Preferences](#) | [Unsubscribe](#) | [Contact Us](#) | [Help](#) | [Privacy](#)

This email was sent to joshua.ziemer@seattle.gov using GovDelivery Communications Cloud on behalf of: City of Seattle · 707 17th St, Suite 4000 · Denver, CO 80202

