



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0575

Issued Date: 02/08/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The complainant observed an encounter between the Unnamed Employee and an individual.

#### **COMPLAINT**

The complainant alleged that an Unnamed Employee catcalled at a woman as she walked by him in violation of the Department's professionalism policy.

#### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence

## **ANALYSIS AND CONCLUSION**

The complainant alleged that at approximately 12:00 p.m. on June 9, 2017, a male officer wearing a Seattle Police Department (SPD) uniform catcalled at a young Asian female (described as in her early 20's and wearing cream colored yoga pants) while she was walking on the west side of the street on the 900 block of First Avenue. Specifically, the complainant reported that this male officer, who was standing with two other male officers and one female officer, yelled that he really liked the woman's pants and "really liked the way they clung to her body." As the woman walked away, the officer followed up by saying "just like that." The complainant reported that the other officers laughed at the comments. The complainant asserted that all of the officers were wearing black SPD uniforms, but she could not describe any of the officers' appearances sufficiently to allow for their identification. For example, the complainant described the officer who may have made the comments as a white male who was tall and muscular, had short brown hair, but who was otherwise "a generic white guy." However, the complainant could not be certain that this officer even made the comments.

Based on the complainant's account, OPA believed that the officers would have been standing on the southwest corner of the 900 block near the Federal Office Building (located at 909 First Avenue). OPA was also able to narrow the time of the interaction based on the fact that the complainant submitted this OPA complaint no more than 10 minutes after the incident using her cell phone. With this information, OPA attempted to obtain security video footage of the southwest corner but were informed that any such video no longer existed.

OPA further conducted a Records Management System query to determine whether any officers were working in the general location in which the incident occurred. This yielded no results for officers working either on-duty or off-duty. OPA contacted Seattle's Finest Security and Traffic Control and the president of that company confirmed that it had no off-duty officers at that location during the time in question. Lastly, OPA verified that there were no officers assigned to demonstration management details in any area of Seattle on the date in question.

The complainant described that the officers were standing near a patrol SUV. The complainant initially described the SUV as white, but later stated that it could have been blue and that she was not sure of the color. The complainant also initially asserted that a blue sedan may have been parked in the near vicinity, but was ultimately unsure of her recollection. Based on this information, OPA also conducted a GPS search for any Department vehicles parked in that location at the approximate time of the incident. This search, like the others conducted by OPA, yielded no results. However, the OPA Director noted that it was possible that a vehicle was parked in that location and was not logged into its Mobile Data Terminal system, which would prevent the transmitting of a GPS marker.

Ultimately, despite its efforts to do so, OPA was unable to identify the officer who made the disparaging comments, as well as his fellow officers who heard and laughed at those comments. This rude and inappropriate conduct would have violated a number of Department policies, including that concerning professionalism. No person should be subjected to such

treatment, and certainly not by SPD officers or any law enforcement officers. This conduct reflected poorly on the Department and it was unfortunate that the involved employees could not be named and held accountable.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*