



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1922

Issued Date: 07/07/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (2) Bias- Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued 01/01/2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued 04/01/2015)
OPA Finding	Sustained
Final Discipline	Oral Reprimand

INCIDENT SYNOPSIS

The Named Employee was working a patrol shift.

COMPLAINT

The complainant alleged that the Named Employee failed to investigate an assault he reported to the Named Employee, and that the Named Employee was biased against him. OPA added an allegation that the Named Employee did not document that complainant's claim of an assault on a General Offense Report.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence
4. Interview of witness
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged the Named Employee was biased against him due to the complainant's homeless status and national origin. Specifically, the complainant alleged the Named Employee failed to adequately investigate the complainant's report of an assault because of this bias. The Named Employee denied this claim and asserted he was unaware if the complainant was homeless or his national status. It is clear the Named Employee did not investigate or document the complainant's claim he had been the victim of an assault, but there is no preponderance of evidence to either prove or disprove the claim that this failure to act was a result of bias on the part of the Named Employee.

The complainant alleged the Named Employee failed to look for security video evidence of the assault he reported to the Named Employee, even though the complainant said he told the Named Employee the location, a school, had security cameras. The Named Employee said he did not ask the school if they had security video of the location where the alleged assault took place because he (the Named Employee) knew schools don't usually have video cameras in classrooms or offices and he knows this college has video in its public areas. The preponderance of the evidence shows the Named Employee took no action to investigate or document the complainant's claim to have been the victim of an assault. The Named Employee did not seek to verify with the school whether or not they had video of the alleged assault after the complainant specifically raised the issue of potential video evidence. While it would have been better had the Named Employee done this, it was not unreasonable for the Named Employee to conclude that video cameras were not present in the area where the alleged assault took place.

The complainant alleged he told the Named Employee that he (the complainant) was the victim of an assault and the Named Employee failed to investigate the crime and write a General Offense Report. The Named Employee said he did not investigate or report this alleged assault because this did not seem to be the complainant's main concern at the time. The complainant was much more concerned about being trespassed from the school where this incident took place. The Named Employee also told OPA the complainant did not tell him much about the assault when the Named Employee asked a follow-up question and, instead, the complainant changed the subject back to the trespass situation. The preponderance of the evidence shows the Named Employee did not document the complainant's claim to have been the victim of an assault on a General Offense Report (GOR). The Named Employee did write a GOR regarding this incident. However, that GOR covered only the trespassing issue and made no mention of the complainant's claim to have been assaulted on the campus.

FINDINGS

Named Employee #1

Allegation #1

There was no preponderance of the evidence to either prove or disprove the claim that the failure to act was a result of bias on the part of the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Bias- Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Allegation #2

The evidence supports that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Required Training: The Named Employee should be reminded by his supervisor of the importance of following all policies and procedures, in particular those related to searching for evidence.

Allegation #3

The preponderance of the evidence shows that the Named Employee did not document the complainant's claim to have been the victim of an assault on a General Offense Report. Therefore a **Sustained** was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report*.

Discipline imposed: Oral Reprimand

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.