



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0203

Issued Date: 02/13/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.120 (3) Malicious Harassment: Cases of Malicious Harassment and Bias Incidents Shall be Documented on a General Offense Report (Policy that was issued September 19, 2012)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<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	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.120 (3) Malicious Harassment: Cases of Malicious Harassment and Bias Incidents Shall be Documented on a General Offense Report (Policy that was issued September 19, 2012)
OPA Finding	Not Sustained (Unfounded)

Allegation #2	<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	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were dispatched to an assault call.

COMPLAINT

The complainant alleged: 1) Officers sat in their vehicle for several moments and never attempted to contact him; 2) Officers refused to take a report for the assault that occurred; 3) Officers threatened to arrest him for "interrupting police time" if he continued to call dispatch.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 and Named Employee #2 refused to take a hate crime report. The preponderance of the evidence from the OPA investigation showed that the complainant did not report a hate crime or bias incident to the two officers. During the complainant's interaction with the officers, which was recorded on ICV, the complainant only told the officers that he wanted them to take action against a restaurant that would not allow him to remain in the establishment while he called the police and waited for their response. It also seemed that the complainant may have been intoxicated at the time he spoke with the officers and this may have played a role in the breakdown in communication between the complainant and the officers. Since the officers were not given information from the complainant that would signal to a reasonable officer that the complainant was attempting to report a crime of malicious assault or some other bias incident, the requirements of the SPD policy regarding Malicious Harassment do not apply.

The complainant alleged that one of the officers was unprofessional when he threatened to arrest the complainant. The complainant had been calling 9-1-1, even though Named

Employee #1 and Named Employee #2 were with him and speaking to him. Named Employee #1 told the complainant that he needed to stop tying up the emergency lines and could be arrested for abuse of the 9-1-1 system. Even though the complainant ignored this statement and called 9-1-1 again, Named Employee #1 did not arrest the complainant.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the officers were not given information from the complainant that would signal to a reasonable officer that the complainant was attempting to report a crime of malicious assault or some other bias incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Malicious Harassment: Cases of Malicious Harassment and Bias Incidents Shall be Documented on a General Offense Report*.

Allegation #2

A preponderance of the evidence showed that Named Employee #1 did not act unprofessionally. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*

Named Employee #2

Allegation #1

A preponderance of the evidence showed that the officers were not given information from the complainant that would signal to a reasonable officer that the complainant was attempting to report a crime of malicious assault or some other bias incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Malicious Harassment: Cases of Malicious Harassment and Bias Incidents Shall be Documented on a General Offense Report*.

Allegation #2

A preponderance of the evidence showed that the Named Employee #2 did not act unprofessionally. Therefore a finding of **Not Sustained** (Unfounded) 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.