



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0488

Issued Date: 04/06/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.120 Malicious Harassment – Response (Policy that was issued 09/19/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.120 Malicious Harassment – Response (Policy that was issued 09/19/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 7.010 Submitting Evidence (Policy that was issued 02/19/14)
OPA Finding	Not Sustained (unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees were dispatched to a call of Trespass at a business. Witness #1 identified the subject that was causing the disturbance in the business and was refusing to leave. As the named employees were escorting the subject from the business, witness #1 approached named employee #2 to say that the subject had pushed an employee of the business, witness #2, and called him a derogatory name. Named employee #2 told named employee #1 of the possible Malicious Harassment. Named employee #1 returned to the business and asked the employees, witness #2 and witness #3, for any additional information and no one mentioned the derogatory name calling.

COMPLAINT

The complainant stated that he was told by a witness at the business that the named employees failed to place a recovered handgun into evidence and that it was a bias crime.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos and Holding Cell Videos
5. Review of 911 call
6. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant acknowledged that he was not at the business during the event. Witness #1 stated that he never saw a gun during the event. A review of the 911 call showed that the caller was asked by the 911 call taker if the subject was armed and the caller stated "No, not that I know of." Witness #2 stated that he did not hear the subject call him a derogatory name, just that the subject used profanity. While a witness reported seeing a weapon in the subject's waist band when the subject was in the business, no weapon was seen on the subject when the named employees arrived at the event. No witness at the event saw officers take possession of a weapon from the subject.

FINDINGS

Named Employee #1 and #2

While named employee #2 was told that a derogatory name had been used by the subject, named employee #1 was not able to confirm that this had occurred. Neither employee requested a supervisor to respond to the scene nor did they inform a supervisor of the allegation of Malicious Harassment during the screening of the incident. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Malicious Harassment – Response*. A Training Referral will allow a supervisor to review the responder obligations and requirements with allegations of Malicious Harassment are present with both named employees.

Named Employee #3

As there was no weapon removed from the subject by the officers, there was no weapon to be placed into evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Submitting Evidence*.

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.