



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0358

Issued Date: 11/18/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (10) Employees Shall Be Truthful and Complete In All Communication (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 15.120 - Pol - Malicious Harassment (Policy that was issued 09/09/12)
OPA Finding	Sustained
Allegation #4	<u>Seattle Police Department Manual</u> 15.180 (1) Officers Shall Conduct A Thorough & Complete Search for Evidence (Policy that was issued prior to 04/01/15)
OPA Finding	Sustained
Allegation #5	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/15)
OPA Finding	Sustained

Allegation #6	<u>Seattle Police Department Manual</u> 16.090 - TSK- 1 Operating the In-Car Video System (Policy that was issued 02/01/15)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	12 Day Suspension and Additional Training on Primary Investigations (Appeal Withdrawn)

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

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.100 (II.A.3) Duty Officer - Take in-person complaints (Policy that was issued 7/20/10)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named employee #1 was dispatched to an assault call where the subject stated he had been attacked on the previous day with an unknown object. Named employee #1 called the subject to take his information rather than seeing him in person. Before named employee #1 filed her report, she screened it with her supervisor, named employee #2. Based on what named employee #1 reported to named employee #2, named employee #2 agreed that it should be listed as suspicious circumstances. Several articles were in the paper about the subject's assault, which included a statement that he called a precinct to have his report taken but was told that he needed to call the non-emergency number. A supervisor brought this incident to the attention of OPA.

COMPLAINT

The complainant, a supervisor in the department, alleged that named employee #1 may have failed to properly investigate a possible bias crime and was discourteous to the subject during the course of the investigation. It is further alleged that named employee #1 took the report over the phone rather than in person. After the initial in-person OPA interview with named employee #1, additional allegations were added. An allegation was added for failure to activate her In-Car Video (ICV) system. An allegation was added for truthfulness based on the following: 1) she wrote she had a failure of her ICV system in her police report when there reportedly was no ICV system failure, 2) she reportedly provided different information to her supervisor, named employee #2, over the phone than was reported to OPA or was documented in her police report, and 3) the subject reportedly provided named employee #1 different information than she reported to OPA.

The complainant also alleged named employee #2 failed to follow proper Malicious Harassment investigation protocols.

An allegation was added for an unknown employee for failure to take a report from the subject.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of news clips
4. Interviews of witnesses
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that named employee #1 did not meet department expectations by calling the subject from a few blocks away rather than meet with the subject in person. The subject contacted the Department after being called a slur and then being hit in the face with an object. A potential hate crime is a high priority for the Department. Named employee #1 failed to investigate and properly characterize the incident in her report. She also failed to capture her law enforcement action with her In-Car Video system.

Named employee #2 was not provided a full description of the events as they occurred by named employee #1 when he spoke with her over the phone. When the report was written, named employee #2 noticed that the report provided a slightly different account than what he was initially told. Over the phone named employee #2 asked named employee #1 if there was any evidence and was told no. The report indicated that there were photos taken by the subject but that the subject didn't know if any of the four males photographed were responsible for his injury. Named employee #2 addressed the discrepancies with named employee #1.

Named employee #3 could not be identified. Therefore it could not be proved nor disproved that named employee #3 referred the subject to the non-emergency line rather than take a report.

FINDINGS

Named Employee #1

Allegation #1

The evidence could not prove nor disprove that named employee #1 behaved in a professional manner. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Shall Strive to be Professional at all Times*.

Allegation #2

The evidence could not prove nor disprove that named employee #1 was truthful in all communications. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Shall Be Truthful and Complete In All Communication*.

Allegation #3

The weight of the evidence showed that named employee #1 did not take action on a report of Malicious Harassment and reported only suspicious circumstances. Therefore a **Sustained** finding was issued for *Malicious Harassment*.

Allegation #4

The weight of the evidence showed that named employee #1 did not conduct a thorough investigation or follow up on the information provided by the subject. Therefore a **Sustained** finding was issued for *Officers Shall Conduct A Thorough & Complete Search for Evidence*.

Allegation #5

The weight of the evidence showed that named employee #1 did not use her In-Car Video System to record her law enforcement action. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Allegation #6

The evidence could not prove nor disprove that named employee #1 was aware of how to operate her In-Car Video system. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Operating the In-Car Video System*.

Discipline imposed: 12 Day Suspension and Additional Training on Primary Investigations

Named Employee #2

Allegation #1

The evidence showed that named employee #2, a supervisor, did not fail in reporting what he was not aware of. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Malicious Harassment*.

Named Employee #3

Allegation #1

The evidence could not prove nor disprove that named employee #3 was asked to take a report in person. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Duty Officer - Take in-person complaints*.

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.