



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0107

Issued Date: 07/05/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (5) Bias-Free Policing: Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.140 (5) Bias-Free Policing: Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing (Policy that was issued 08/01/2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.120 (IV) Secondary Employment: Secondary Employment Permit (Policy that was issued 03/19/2014)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employees were working off-duty.

## **COMPLAINT**

The complainant, a supervisor within the Department, alleged that the Named Employees did not call a supervisor to screen a bias complaint as required by policy. In the course of the investigation OPA added an allegation that Named Employee #2 did not have a secondary employment permit for the off-duty position.

## **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. Interview of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 and #2 were working off-duty in uniform and in a secondary employment law enforcement capacity. As such, their actions were governed by all provisions of SPD Policy (see SPD Policy § 5.120). The Named Employees were approached by an individual (the subject) who wanted to report a crime. After the two officers conducted a brief investigation they determined it was not a criminal matter and informed the subject, who became angry and demanded the arrest of the other person. When the Named Employees made it clear there would be no arrest, the subject and a friend who was with him accused the two officers of being biased against the subject due to his race. Named Employee #1, himself a sergeant, documented the biased-policing allegation in Blue Team. He did not call an on-duty SPD supervisor to the scene, nor is there any indication he attempted to locate an on-duty SPD supervisor able to respond. The record is clear the Named Employee #1 complied with the documentation requirement of the Bias-Free Policing policy, but not with the clear intent of the policy that reports of bias-based policing be initially investigated by a supervisor other than the person against whom the allegation has been made. The OPA Director agreed with the conclusion of Named Employee #1's chain of command that this error on his part did not rise to the level of a violation requiring discipline. There was no attempt to hide the allegation and Named Employee #1 documented and reported it. Nonetheless, Named Employee #1 should know that it is never appropriate for a SPD employee at any rank to investigate an allegation against himself or herself. It should always be reported to an on-duty supervisor other than the person against whom the allegation is made. Named Employee #2 should know that it is never appropriate for a SPD employee at any rank to investigate an allegation against himself. It should always be reported to an on-duty supervisor other than the person against whom the allegation is made. Named Employee #2 also told OPA he was unclear as to whether the subject and his friend were alleging bias on the part of Named Employee #1 and Named Employee #2 specifically or if it was a statement made about the police in general. Named Employee #2 should know that the clear intent of the policy is for an on-duty supervisor, not the officer(s) in the incident, to investigate the bias allegation.

Named Employee #2 was working off-duty in a secondary employment law enforcement capacity. When asked by OPA, SPD Human Resources was unable to locate a valid secondary employment permit for the day in question. However, when interviewed by OPA about this matter, Named Employee #2 was able to produce a signed permit valid for the day and the location in question.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that Named Employee #1 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Bias-Free Policing: Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing*.

**Required Training:** Named Employee #1 should receive clear direction from his chain of command regarding the Department's Bias-Free Policing Policy and the steps he must take when a bias allegation is made against him. It should be clear that he must notify an on-duty SPD supervisor immediately and that no SPD employee, regardless of rank, should investigate and document allegations made against him or her.

### **Named Employee #2**

#### Allegation #1

The evidence showed that Named Employee #2 would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Bias-Free Policing: Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing*.

**Required Training:** Named Employee #2 should receive clear direction from his chain of command regarding the Department's Bias-Free Policing Policy and the steps he must take when a bias allegation is made against him. It should be clear that he must notify an on-duty SPD supervisor immediately and that no SPD employee, regardless of rank, should investigate and document allegations made against him or her.

#### Allegation #2

The evidence showed that Named Employee #2 did have a signed permit valid for the day and the location in question. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Secondary Employment: Secondary Employment Permit*.

*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.*