



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0449

Issued Date: 01/05/2017

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 August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee was assigned to investigate an allegation of bias made against witnesses to a prior incident.

#### **COMPLAINT**

The complainant alleged that the Named Employee assigned to investigate the bias of the witnesses who identified the complainant's son as the aggressor in the assault was herself biased.

#### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint email
2. Review of the related OPA complaint and outside investigation
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The complainant alleged that the Named Employee was biased in her investigation into his assertion that the witnesses against his son lied to the police. The complainant believed that the video evidence clearly showed that the witnesses were not truthful in their account of his son's actions and should be charged. The Named Employee was assigned to investigate whether the witnesses lied during the investigation into an assault at a night club, specifically as it related to the actions of the complainant's son. The Named Employee gathered all the available information including security videos that captured the incident that led to the arrest of the complainant's son. The Named Employee attempted to interview the complainant's son but he did not choose to participate in the investigation. The Named Employee sent the case file to a prosecutor who was not involved in the original case against the complainant's son. This prosecutor reviewed the file for consideration of possible charges against the witnesses. After reviewing the documentation and the available video, the prosecutor declined to file charges stating it could not be proven the witnesses knowingly provided false information. This finding was based on the fact that because the situation was very chaotic it would be very difficult to prove that the witnesses did not believe what they initially reported to be factual. The OPA investigation of the Named Employee's investigative work produced no evidence of bias by the Named Employee; she even went the extra step of finding a new prosecutor to look at the facts and did not present the prosecutor with her (the Named Employee's) conclusions about the involved parties' statements.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that the Named Employee's investigative work produced no evidence of bias. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

*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.*