



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0160

Issued Date: 11/02/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (6) Employees Will Document All Allegations of Bias-Based Policing (Policy that was issued 01/30/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (6) Employees Will Document All Allegations of Bias-Based Policing (Policy that was issued 01/30/14)
OPA Finding	Sustained
Final Discipline	No Discipline – Employee already left SPD employment

INCIDENT SYNOPSIS

The named employees participated in a community meeting.

COMPLAINT

The complainant alleged that the named employees were aware of a biased arrest complaint and failed to refer the complaint to OPA. The complainant alleged the named employees were apprised of the complaint during a community meeting to discuss the subject's arrest.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of witnesses
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that both of the named employees attended a community meeting. The investigation determined that a number of the attendees communicated to the named employees that they believed that the arrest of the subject was motivated by racial bias. Named employee #2 did not interpret the concerns expressed by members of the community as a complaint of misconduct. Named employee #2 did not generate a biased-based policing report as required by policy.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the named employee's immediate supervisor relieved him of his individual responsibilities of this policy section. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct*.

Allegation #2

The evidence showed that the named employee's immediate supervisor relieved him of his individual responsibilities of this policy section. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Will Document All Allegations of Bias-Based Policing*.

Named Employee #2

Allegation #1

The evidence could not prove nor disprove the preponderance that "a reasonable officer" knowing what named employee #2 knew following the community meeting, would draw a conclusion that there had been misconduct brought up at the meeting or that the community members were making a complaint of misconduct. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct*.

Allegation #2

The evidence showed that the named employee had an obligation to document the concerns of biased-based policing. Therefore a **Sustained** finding was issued for *Employees Will Document All Allegations of Bias-Based Policing*.

Discipline: No Discipline – Employee had already left SPD employment

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.