



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0367

Issued Date: 03/23/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (6) Primary Investigations: Officers Shall Document Permanent Addresses and Telephone Numbers for Suspects, Complainants, Victims and Witnesses in the Entities Section of the Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #4	<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

<b>Named Employee #2</b>	
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> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Standards & Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued August 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The complainant called 911 to report that three women assaulted a homeless woman. Named Employee #1 responded to this call.

### **COMPLAINT**

The complainant alleged that Named Employee #1 did not assist the victim of an assault because of the victim's economic status/homelessness. The complainant also alleged that the Named Employee did not investigate, or take her report of the assault seriously, because of the complainant's ethnicity/immigration status.

An unknown speaker (Named Employee #2), possibly an SPD Officer (SFD, SPD, and AMR were all present) referred to the subject of the call as "McDrunkderson."

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos (ICV)
5. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The complainant alleged that Named Employee #1 did not fully investigate her report of an assault of a homeless person (subject). She further alleged that Named Employee #1 did not investigate her report of an assault against her (the complainant) because of her ethnic background. The complainant called 911 to report that three women just assaulted a homeless woman. Named Employee #1 responded to the call, spoke with the women for a few minutes then let them leave. The complainant approached Named Employee #1, told him what she saw, and alleged that one of the women slapped her (the complainant) across the face. The complainant pointed out the suspect to Named Employee #1 but he did not attempt to stop the suspect. Named Employee #1 stated he was a short distance away observing the activity when he was dispatched to a report of an assault. He contacted the three women. The subject was passed out against a wall. The women stated they were talking to the subject who was passed out and were trying to help her. Named Employee #1 checked the subject for injuries but did not see any evidence that she was assaulted, and the three women did not appear to have been involved in an assault. Named Employee #1 did not believe that he had a crime so he allowed the women to leave the scene. The complainant approached him to report that she saw the assault of the subject and also that one of the women slapped her across the face. Named Employee #1 checked the complainant's face but did not see any signs of an injury or assault. The Named Employee said in his OPA interview he did not find the complainant credible because she appeared to be intoxicated, while he found the other three women credible because they were not. Named Employee #1 told OPA he did not believe he had any basis for stopping the women. He cleared the scene without conducting any further investigation, or identifying the potential suspects. When the complainant went to the precinct to complain to a supervisor, Named Employee #1 wrote a Suspicious Circumstances General Offense Report, rather than an Assault General Offense Report. OPA obtained surveillance video of the incident from Seattle Central College. The video captured the three women assaulting the homeless woman, as well as the assault of the complainant. Because Named Employee #1 failed to identify the women involved in the incident, SPD was unable to follow up on this crime. The Named Employee was required by SPD Policy to conduct an investigation and search for evidence in response to the complainant's report of two assaults. He was also required by SPD Policy to document this reported crime, the details concerning his primary investigation and the names, addresses and telephone numbers of victims, suspects and witnesses in a General Offense Report.

A hearing in connection with this case was held. While no new facts were presented during the hearing with respect to the incident under review, Named Employee #1 took advantage of the opportunity to explain his thinking and the reasons why he took the actions he did. He also articulated his belief in the futility of searching for possible video or attempting to relocate people who had just left the area since misdemeanor assault cases such as this receive no follow up investigation. Finally, Named Employee #1 assured the Chief that he now understood the importance of properly titling reports and looking for possible evidence such as security cameras. Following the hearing and the subsequent discussion with the Chief and others in

attendance, the OPA Director concluded that findings of Not Sustained (Training Referral) were more appropriate in this situation.

The complainant alleged Named Employee #1 did not fully investigate her report of an assault because of the subject's socio-economic status. She alleged Named Employee #1 did not investigate the assault against her (the complainant) because of her ethnicity. The Named Employee said in his OPA interview he did not find the complainant credible because she appeared intoxicated. He found the other involved parties more credible because they were not intoxicated. The interaction between Named Employee #1 and the complainant was captured on ICV. The Named Employee sounded polite and professional to all parties with no indication of bias. Despite Named Employee #1's failure to investigate the reported assaults, there was no evidence to indicate this was motivated by bias.

While investigating this allegation, OPA noted that when Seattle Fire Department (SFD) asked the subject's last name someone replied, "McDrunkderson". There were multiple officers on scene, as well as SFD and ambulance personnel. None of the SPD officers reported hearing the comment, nor did any admit to speaking it. OPA was unable to determine whether this derogatory term was spoken by a SPD officer or someone from one of the other agencies on scene.

## **FINDINGS**

### **Named Employee #1**

Allegations #1, #2, and #3

The evidence showed that the Named Employee would benefit from additional training.

Therefore findings of **Not Sustained** (Training Referral) were issued for:

*Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*

*Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report*

*Primary Investigations: Officers Shall Document Permanent Addresses and Telephone Numbers for Suspects, Complainants, Victims and Witnesses in the Entities Section of the Report*

**Required Training:** The following counseling has been recommended for Named Employee #1:

1. Look for video evidence and note it in the General Offense Report, even if you don't think it will be followed up on, especially those where your interaction with the subjects is recorded. It's both a good habit to develop as well as recognition that the incident can sometimes change as additional information.
2. Use the most specific title that fits with how the incident is described.

Allegation #4

A preponderance of the evidence showed that there was no indication Named Employee #1's failure to investigate was motivated by bias. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

**Named Employee #2**

Allegations #1 and #2

OPA was unable to determine whether this derogatory term was spoken by a SPD officer or someone from one of the other agencies on scene. Therefore findings of Not Sustained (Inconclusive) were issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing* and *Standards & Duties: Employees Shall Strive to be Professional at all Times*.

*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.*