



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0010

Issued Date: 07/13/2016

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 01/01/2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee was requested, as a supervisor, to the scene of a disturbance where a female subject was reported to have brandished a knife at an unknown male. The female subject alleged that the responding officer sexually assaulted her as a result of his having frisked her. The Named Employee spoke with the female subject regarding her concerns.

#### **COMPLAINT**

The complainant, a supervisor within the Department, alleged that the Named Employee failed to report an allegation of misconduct when the subject stated that she was sexually assaulted when an officer removed a knife from her pocket. Complainant also alleges that the Named Employee did not have ICV when he responded to the scene.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The complainant alleged the Named Employee failed to report a complaint of misconduct to OPA. The allegation that should have been reported was made by a female subject who was being detained for investigation of a harassment complaint. A male officer had conducted a pat-down search of the female and found a knife. The female subject accused the male officer of “groping” her. The officer called for a supervisor and the Named Employee arrived in response. The evidence from the OPA investigation does not form a preponderance to prove or disprove that the Named Employee clearly understood that the female subject was accusing the male officer of groping her. The female was not communicating clearly and the Named Employee had more than one encounter with her in a short period of time and, in his OPA interview, was confused about what he learned from her during his several interactions. The complainant alleged the Named Employee may have failed to video and audio record his response to and time at the scene of the incident. The OPA investigation proved by preponderance that the Named Employee attempted to record the incident, but the video was not retained by the COBAN system due to a software error beyond the control of the Named Employee.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence does not form a preponderance to prove or disprove that the Named Employee clearly understood that the female subject was accusing the male officer of groping her. 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 preponderance of the evidence showed that there a software error beyond the control of the Named Employee. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In Car Video System: Employees Will Record Police Activity*.

*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.*