



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0511

Issued Date: 03/16/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	<b>Sustained</b>
Allegation #2	<u>Seattle Police Department Manual</u> 15.130 (1) Missing Person: Officers Document Missing Person Incidents on the Missing Persons Report (form 5.1.2) (Policy that was issued April 1, 2016)
OPA Finding	<b>Sustained</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (9) Standards & Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Final Discipline	4 Day Suspension

#### **INCIDENT SYNOPSIS**

The Named Employee responded to the complainant's residence for a possible missing person investigation.

## **COMPLAINT**

The complainant alleged the Named Employee was dismissive when she tried to file a Missing Persons Report, failed to leave her home when requested, and caused her to feel unsafe and threatened. During the OPA Intake, an In-Car Video (ICV) allegation was added since there was no ICV from this incident.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of 911 call
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

While investigating the complainant's allegations, OPA discovered that there was no ICV of the event. The Named Employee in his interview stated that the buttons to activate the camera are different now. When he pressed the button that he normally associated with activating ICV it did not start. The Named Employee further stated that he normally worked with a partner who took responsibility for the ICV so he had not developed the muscle memory to activate the ICV system. Department Policy requires officers to activate the ICV when responding to 911 calls, or taking other law enforcement actions.

The complainant alleged that the Named Employee refused to take a Missing Persons Report for her adult friend. The Named Employee informed the complainant that her friend did not meet the criteria for a missing person, stating that an adult can leave without explanation and lie to their family about their whereabouts. When the complainant told the Named Employee that her friend was a danger to herself or others the Named Employee told her that her friend did not meet the criteria for an endangered person. The complainant reported that her friend was missing and had not been seen for three days. She included information that her friend had a history of alcoholism and prior suicide attempts. The Named Employee cleared the call as a suspicious circumstances/suspicious person call. In the narrative the Named Employee wrote that the complainant said her friend was checking into treatment and had not arrived. He also documented the fact that the complainant had contacted the missing friend's parents. The parents told her that they had given the missing person a large sum of money the previous day. In addition, the missing person's phone was disconnected. SPD manual section 15.130 requires officers to document missing persons incidents on the Missing Persons Report (form 5.1.2). The report must be completed any time "A person of any age is reported missing for any period of time and there is a reasonable concern for their safety." Here the Named Employee had a person with a history of alcohol abuse and suicide attempts who had not been seen for three days. Her phone was disconnected and none of her friends or family had heard from her.

Based on the information available to the Named Employee at the time a Missing Persons Report should have been filed. A suspicious circumstances report did not meet the requirements for documenting a missing person and was not investigated or entered into Washington Crime Information Center.

The complainant alleged that the Named Employee refused to leave her home when asked, stood with his hand on the ammo belt, and tried to intimidate her. The Named Employee stated that the complainant became angry when he told her that her friend did not meet the criteria for a Missing Persons Report and yelled at him to get out of the house. He asked her if she would like to speak to his supervisor; when the complainant said "No" the Named Employee left the house. The Named Employee said he doesn't ever stand with his hand on his ammo pouch but he puts his hand on the handcuff case directly above his ammo pouch. He said it was never his intention to intimidate the complainant, and that he stood that way out of habit. It is not unreasonable for an officer to take a second to see if the complainant would like to speak to a supervisor before leaving the scene with an unhappy citizen. It is also common for officers to rest their hands on their gun belt. The combination of refusing to take a Missing Persons Report and the way he was standing could have made the complainant feel intimidated by the Named Employee. Due to the absence of an audio recording of the interaction because of the Named Employee's failure to activate the ICV in his car as required, there was not a preponderance of the evidence to prove or disprove that the Named Employee acted unprofessionally during his interaction with the complainant.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that the Named Employee did not activate the ICV system. Therefore a **Sustained** finding was issued for *In-Car Video System: Employees Will Record Police Activity*.

#### Allegation #2

A preponderance of the evidence showed that the Named Employee did not meet the requirements of SPD Manual section 15.130. Therefore a **Sustained** finding was issued for *Missing Person: Officers Document Missing Person Incidents on the Missing Persons Report (form 5.1.2)*.

Discipline Imposed: 4 Day Suspension

#### Allegation #3

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *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.*