



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0065

Issued Date: 08/07/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (2) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Will Assist Any Person Who Wishes to File a Complaint (Policy that was issued January 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (6) Duty to Provide Identification: Employees Engaged in Department-Related Activities Identify Themselves When Requested (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)

Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism: 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	N/A

### **INCIDENT SYNOPSIS**

The complainant reported to the Office of Professional Accountability that an unknown officer yelled at him in a “threatening manner” to turn his vehicle around.

### **COMPLAINT**

The complainant stated that he complied with the request by the unknown officer and parked his vehicle. He then returned to speak with the officer to “demand an explanation” and his identification. The officer did not have a card and the complainant asked him for his badge number and name. The complainant then called 911 to report the incident and initiate a complaint but was instead informed that a supervisor would call him back regarding the complaint. When he received a call back from the supervisor, the complainant alleged he was again not allowed to initiate a complaint and was threatened with “inaction” if he did not “calm down”. He then stated that he spoke with an officer after this call and this person provided the link to the Office of Professional Accountability.

### **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of written statement of Complainant
2. Search for and review of all relevant records and other evidence
3. Review of 911 Recording
4. Interview of SPD employee

### **ANALYSIS AND CONCLUSION**

Named Employee #1 called the complainant to assist him with the complaint he (the complainant) had called 911 about. The preponderance of the evidence showed that Named Employee #1 explained the complaint-taking process to the complainant and forwarded the complainant’s contact information to the Patrol Sergeant in that area. The actions taken by Named Employee #1 in his phone interaction with the complainant were consistent with the Communications Unit’s written protocols for handling officer complaints.

The preponderance of the evidence from this investigation showed that Named Employee #1 acted in a manner consistent with the standards set for SPD employees. Other than the complainant's statement that Named Employee #1 threatened inaction on the complaint if the complainant did not calm down, there was no evidence to substantiate this allegation.

The complainant told OPA in a follow-up interview that Named Employee #2 gave him (the complainant) his badge number. Such would comply with the requirements of this policy.

Without the ability to interview the officer with whom the complainant had this interaction, it was impossible to determine whether or not Named Employee #2 acted in a manner consistent with the standards set for SPD employees. OPA was unable to determine the identity of Named Employee #2 and, consequently, was unable to conduct an interview.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The OPA investigation that the actions taken by the Named Employee in his phone interaction with the complainant were consistent with the Communications Unit's written protocols for handling officer complaints. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Will Assist Any Person Who Wishes to File a Complaint*.

#### Allegation #2

The OPA investigation found there is no evidence to substantiate this allegation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism: Employees Shall Strive to be Professional at all Times*.

### **Named Employee #2**

#### Allegation #1

The complainant told OPA in a follow-up interview that this unknown officer gave him (the complainant) his badge number. Such would comply with the requirements of this policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Duty to Provide Identification: Employees Engaged in Department-Related Activities Identify Themselves When Requested*.

#### Allegation #2

OPA was unable to determine the identity of this officer and, consequently, was unable to conduct an interview. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Professionalism: 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.*