



# City of Seattle

Office of Professional Accountability

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December 23, 2014

Chief Kathleen M. O'Toole  
Seattle Police Department  
PO Box 34986  
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (OPA2014-0132)

Dear Chief O'Toole:

In early 2013 a warrant was issued for the arrest of an individual suspected to be an accomplice in the kidnapping and assault of a woman for the purposes of human trafficking. The warrant was based on the sworn testimony of a detective from the Seattle Police Department (SPD) that the victim of this violent crime had positively identified the person named in the warrant as one of the persons involved. Based on this warrant, the individual was arrested and held in jail for seven days. He was released after it was discovered that the victim was not certain about the identification. It was later determined that a different person with the same first and last name, but a different middle initial, had been involved in the crime.

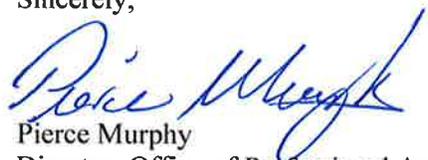
The person arrested and then released subsequently filed a claim with the City of Seattle alleging the SPD detective conducted an "inadequate and careless" investigation and an improper photo line-up, resulting in the false arrest of the claimant. As a matter of routine practice, the Office of Professional Accountability (OPA) was notified of this claim and conducted a preliminary review of available documents to determine if a misconduct investigation should be initiated. Based on this intake investigation, the matter was classified for investigation. While the investigation did not result in a sustained finding of misconduct against the involved detective, it brought to light the need for improved training, clearer guidelines and increased supervision with respect to the use of photo line-ups (photomontages) in identifying criminal suspects. In this particular case, the investigating detective showed the photograph of the target of his investigation to the victim in ways that were not consistent with best practices and, as it turned out, resulted in an incorrect identification of the target as the perpetrator. However, the detective had not been recently trained in best practices for photo line-ups, and the last guidelines for preferred practices had been published in a training bulletin in 2009. As a result, I have recommended a finding of Not Sustained (Management Action).

**Recommendation:** It is recommended that SPD establish a policy and clear set of procedures to govern the use of live and photographic "line-ups" used for the purpose of identifying persons involved in criminal activity. Broad research into best practices and consultation with national experts on the topics should precede the development of this policy and these procedures. Furthermore, it is recommended that specific training in the understanding and use of this policy and these procedures be given to all new detectives and detective supervisors, as well as to all existing detectives and their supervisors on a regular, refresher basis. Given the risk and ramifications of an innocent person being misidentified as having been involved in a crime, this policy and these procedures must be strictly enforced and closely followed.

Pierce Murphy  
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Thank you for your prompt attention to this important topic. Please keep me informed of your response to this recommendation and, should you decide to take action as a result, the progress of your response.

Sincerely,



Pierce Murphy  
Director, Office of Professional Accountability