



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0590

Issued Date: 02/14/2018

Named Employee #1	
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	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (9) Primary Investigations: Involved Officers Shall Complete Statements for Felony Arrests (Policy that was issued April 1, 2015)
OPA Finding	Sustained
Final Discipline	Oral Reprimand

INCIDENT SYNOPSIS

The Named Employees responded to a potential domestic violence incident involving the complainant.

COMPLAINT

The complainant alleged that Named Employee #1 arrested his wife and did not take a statement from her due to her race. OPA further discovered during its intake investigation that Named Employee #2 may have failed to write a felony statement as required by policy.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The Named Employees responded to the location of a potential domestic violence incident. It was alleged that a woman, later identified as the subject, had threatened to kill two individuals. Those individuals, who were father and son, were interviewed by Named Employee #1. The father reported to Named Employee #1 that the subject's threats caused him to fear for his and his son's lives. The father further indicated to Named Employee #1 that he believed that the subject would act on the threats. The officers also spoke to the subject and the complainant, who was the subject's husband. Based on those conversations, the officers determined that the complainant was the primary aggressor and she was placed under arrest for felony harassment.

The complainant asserted that the subject was not interviewed by Named Employee #1 and that he did not do so based on the complainant's race. Based on the OPA Director's review of the ICV, he found that Named Employee #1 did speak to the subject about the incident. As such, the OPA Director did not believe that this allegation had merit.

The complainant further alleged that his wife was arrested based her race. Again, from a review of the ICV, the OPA Director found that the evidence indicated that the complainant was arrested because of her conduct, not her race. The OPA Director found no evidence that Named Employee #1, or any officer that responded to the incident, engaged in biased policing.

During its investigation, OPA could not locate any felony statement written by Named Employee #2. As the subject was arrested for felony harassment, a felony statement was required. When asked about the absence of a statement at his OPA interview, Named Employee #2 confirmed that he had not written such a statement. Named Employee #2 indicated that he did not do so because he "wasn't under the understanding that it was a felony." Named Employee #2 further stated that he "knew it had that potential," but indicated that he did not "recall being told that that's how the call was gonna be handled." Named Employee #2 further stated that once he

received the OPA notification concerning the allegation against him in this case, he completed the felony statement.

Named Employee #2 recounted that, while at the scene, he “spoke with everybody at one time or another.” Named Employee #2’s ICV recorded an interview he conducted of the father. During that interview, Named Employee #2 was told that the subject threatened to kill the victim and the victim’s son, as well as that the threats caused the victim to be in fear. At that time, Named Employee #2 should have known that the victim had engaged in felony harassment. To the extent he was unaware as to the specific charge that the subject was going to be arrested for, which was unclear from the OPA Director’s review of the ICV, he should have clarified this with Named Employee #1.

SPD Policy 15.180-POL-9 is clear that “involved officers shall complete statements for felony arrests.” Given his role in the investigation, Named Employee #2 was clearly an involved officer. As such, he was required to complete a felony statement and the failure to do so was contrary to policy. While the OPA Director commended Named Employee #2 for later completing the felony statement, it was only after he received notification of this allegation from OPA. Had he not received that notification, it was likely that the report never would have been completed. Moreover, even though Named Employee #2 stated that he was unaware what the charge was going to be and did not know that he was required to write a statement, the OPA Director noted that both Named Employee #1 and a third officer at the scene wrote felony statements without being prompted to do so.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that this allegation did not have merit. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias Based Policing*.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that Named Employee #2 was required to complete a felony statement and the failure to do so was contrary to policy. Therefore a **Sustained** finding was issued for *Primary Investigations: Involved Officers Shall Complete Statements for Felony Arrests*.

Discipline Imposed: Oral Reprimand

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.