

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Note to File
2015-0160

DATE: 07/28/15

FROM: Pierce Murphy, Director 
Office of Professional Accountability

SUBJECT: OPA #2015-0160 *Amended* OPA Certification

This is to certify that the investigation for the above mentioned case has been completed.

The following findings have been recommended to the Chief of Police:

Named Employee #1: Davis, Pierre L. Police Captain #4806

Allegation #1: Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct 5.002 (6)

Recommended Finding: Not Sustained (Unfounded)*

Allegation #2: Bias-Free Policing: Employees Will Document All Allegations of Bias-Based Policing 5.140 (6)

Recommended Finding: Not Sustained (Unfounded)*

*Following the discussion at the Discipline Meeting held for this case on July 22, 2015, and after a review of both policy sections cited above, I concluded that the presence of Named Employee #1's immediate supervisor (Named Employee #2) relieved Named Employee #1 of his individual responsibilities under either policy section. As a result, I have amended both of my finding recommendations with respect to Named Employee #1.

Named Employee #2: Metz, Nicholas J. Assistant Police Chief #4737

Allegation #1: Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct 5.002 (6)

Recommended Finding: Not Sustained (Inconclusive)*

Allegation #2: Bias-Free Policing: Employees Will Document All Allegations of Bias-Based Policing 5.140 (6)

Recommended Finding: Sustained

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After further review of the evidence in this case, in particular the transcripts of the OPA interviews with all parties, I have concluded that the record does not contain sufficient evidence to prove by preponderance that "a reasonable officer" knowing what employee #2 knew following his September 4, 2014, meeting with concerned community members would necessarily draw the conclusion that Officer Whitlatch had engaged in misconduct in her interaction with Mr. Wingate or that the community members were making a complaint of misconduct. The two named employees and the community members have very different memories of what was said or implied in the meeting with respect to misconduct or a clearly articulated desire to file a complaint. For this reason, I have changed my recommended finding to Inconclusive with respect to allegation #1, 5.002(6), against named employee #2. However, the record is clearer that the all parties were aware of concerns regarding potential bias on the part of the officer generally and that named employee #2 had an obligation under 5.140(6) to document these concerns of biased-based policing.