



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1471

Issued Date: 06/30/2017

| 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) |
| Allegation #2 | <u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015) |
| OPA Finding | Not Sustained (Unfounded) |
| Allegation #3 | <u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued March 1, 2016) |
| OPA Finding | Sustained |
| Allegation #4 | <u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015) |
| OPA Finding | Not Sustained (Inconclusive) |
| Final Discipline | Written Reprimand |

INCIDENT SYNOPSIS

The Named Employee was dispatched to a traffic collision involving the complainant.

COMPLAINT

The complainant alleged the Named Employee was rude, verbally abusive, and engaged in intimidation. The complainant also alleged the Named Employee behaved this way towards him and not the other driver because he (complainant) had an accent. OPA upon review of the incident added allegations for possible In-Car Video (ICV) violation when the Named Employee turned off his ICV during the call.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
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 OPA investigation did not discover any evidence to suggest that the Named Employee treated the complainant in a different manner from how he treated the other driver at the scene of the collision. Also, there was no evidence found to support an allegation of racial or ethnic bias on the part of the Named Employee with respect to how he acted or treated either party in the collision.

While it appeared that the Named Employee allowed his annoyance to show regarding the behavior of both drivers, the OPA Director did not find that the Named Employee's actions and/or speech rose to the level of a policy violation.

The preponderance of the evidence from the OPA investigation showed that the Named Employee stopped recording from his ICV while he was still engaged in police activity and still at the scene of the collision. The Named Employee told OPA he had been experiencing some technical difficulties with his ICV and he turned off the ICV recording while he was inside his patrol car and not interacting with either driver in order to preserve space on the ICV hard drive and prevent a shut down. The Named Employee told OPA he planned to turn the recording back on when he re-engaged with the drivers, but that he forgot to do so. Despite the possibility the Named Employee was experiencing some technical difficulties with his ICV system, SPD policy prohibits officers from turning off and ending their ICV recording until they have completed their police activity and are departing from the scene.

The complainant alleged that the Named Employee refused to accept electronic proof of insurance. The Named Employee told OPA the complainant never offered electronic proof of insurance. Since there was a portion of the Named Employee's contact with the complainant that was not recorded due to the Named Employee prematurely ending his recording, the OPA Director was unable to determine whether or not the complainant's allegation was true.

FINDINGS

Named Employee #1

Allegation #1

There was no evidence found to support an allegation of racial or ethnic bias on the part of the Named Employee with respect to how he acted or treated either party in the collision. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias Based Policing*.

Allegation #2

A preponderance of the evidence showed that the Named Employee's actions and/or speech did not rise to the level of a policy violation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Allegation #3

A preponderance of the evidence showed that the Named Employee stopped recording from his ICV while he was still engaged in police activity and still at the scene of the collision. Therefore a **Sustained** finding was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded*.

Discipline Imposed: Written Reprimand

Allegation #4

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 and Duties: Employees May Use Discretion*.

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.