



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0479

Issued Date: 03/31/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Use of Discretion (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Lawful & Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (4) In-Car Video System (Policy that was issued 11/0/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was dispatched to a call where the 911 caller reported a male taking pictures of children in a playfield. Upon arrival, the named employee saw the suspicious male and watched him get into a car and drive away. The named employee ran the plate of the car and then made contact with the witness and the complainant in order to gather additional information. There was no additional information available and the named employee gave his business card to the complainant explaining what he could and could not do in this situation.

COMPLAINT

The complainant alleged that the named employee was unprofessional when he "rolled his eyes and kind of chuckled" when the complainant spoke with the officer about a suspicious person taking pictures of children at the playground.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of witness
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence could not prove or disprove that the named employee was unprofessional in his contact with the witness and the complainant. The witness and the complainant had different perceptions of how the interaction between the complainant and the named employee went. The named employee correctly determined that the suspicious male had not committed a crime and used his discretion in a reasonable manner by not contacting or detaining the male. As the named employee did not perceive that he was taking enforcement action, he did not activate his In-Car Video. The policy states that employee will activate the In-Car Video to record enforcement-related activity.

FINDINGS

Named Employee #1

Allegation #1

The evidence does not support or refute the allegation that the named employee engaged in unprofessional behavior. Therefore a finding of Not Sustained (Inconclusive) was issued for *Professionalism*.

Allegation #2

The weight of the evidence showed that the named employee found no crime had been committed and reasonably decided not to initiate contact with the male in question. Therefore a finding of Not Sustained (Lawful & Proper) was issued for *Use of Discretion*.

Allegation #3

While it would have been better if the named employee had turned on the In-Car Video, It was not clear that the policy required that he do so, as he attempted to determine if a crime had occurred during the event. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video*. A Training Referral will allow a supervisor to review the In-Car Video policy with the named employee to ensure that he fully understands when he is required to activate In-Car Video.

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.