



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0083

Issued Date: 07/28/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document All Primary Investigations on a General Offense Report (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 15.280 (4) DUI Investigations: Officers Have a Duty to Act (Policy that was issued 12/01/2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 5.001 (10) Employees Shall Be Truthful and Complete In All Communications (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee responded to a collision.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee did not respond immediately to an accident, did not complete a thorough investigation, and failed to take action on reasonable suspicion that the driver was intoxicated. It was further alleged that the Named Employee was not complete in his communications with the witness regarding his intentions to conduct a DUI investigation.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Video (ICV)
3. Search for and review of all relevant records and other evidence
4. Interview of witnesses
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

The Named Employee was dispatched to a non-injury collision in which a subject crashed into the back of a parked car and caused a chain-reaction collision with other parked cars. The complainant, a SPD supervisor, was concerned the Named Employee had not fully and adequately investigated the possibility the driver was DUI. Based on the preponderance of the evidence available from this investigation, it appears the Named Employee took minimally reasonable steps to investigate this collision and determine whether or not there was reasonable suspicion or probable cause to believe the subject had been in physical control of the vehicle and impaired at the time of the collision. While it may have been more prudent and thorough to administer Field Sobriety Tests to the subject, the Named Employee's decision not to do so was not unreasonable, based on what the Named Employee had observed and knew at the time. The Named Employee completed a General Offense (GO) Report and collision form as required. The Named Employee observed and made note of the speech, behavior and actions of the subject. None of the persons present, including the Named Employee, other officers or civilian witnesses detected the odor of an alcoholic beverage on or about the subject. No odor of marijuana was detected either. Based on these observations and the absence of any objective or observable evidence of impairment, the Named Employee had no clear duty to take action as required by this policy. The Named Employee's supervisor alleged the Named Employee may have "misrepresented his intent to act on the DUI," to the owner of one of the vehicles damaged in this collision. A close examination of the audio portion of the Named Employee's ICV indicates a vague answer from the Named Employee, "we're working on that; we're figuring it out," to a question from one of the vehicle owners if the Named Employee is going to "like, DUI him?" While the Named Employee could have answered the question more directly, the OPA Director found no reason to conclude this statement was clearly dishonest or deceptive. In fact, the Named Employee took several steps in an effort to determine whether or not he had sufficient grounds to detain the driver for further investigation of DUI, acts which were consistent with his statement that he was "working on it."

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Named Employee followed policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence.*

Allegation #2

There was no evidence to support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Document All Primary Investigations on a General Offense Report.*

Allegation #3

There was no evidence to support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *DUI Investigations: Officers Have a Duty to Act.*

Allegation #4

There was no evidence to support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Be Truthful and Complete In All Communications.*

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.