



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0176

Issued Date: 08/29/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 09/01/2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was off-duty and driving his personal vehicle.

COMPLAINT

The complainant alleged that he and the Named Employee, who was in uniform and driving his personal vehicle, were involved in a traffic incident. The complainant stated the Named Employee obtained his information and stated he was going to mail him an infraction, but the Named Employee left the scene without providing his information to the complainant.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged the Named Employee was rude and unprofessional during a contact following a very minor collision between their two vehicles. At the time of the incident, the Named Employee was driving his personally-owned vehicle travelling on his way to an off-duty (secondary employment) traffic post. The Named Employee had not yet logged in over the radio. However, the Named Employee was in full SPD uniform when he got out of his own car and made contact with the complainant at his (the complainant's) driver's door while both cars were stopped at a red light. There was no damage to either vehicle from the brief contact when the complainant attempted to merge into the lane of travel occupied by the Named Employee's car. This was, in effect, a traffic contact following a vehicle infraction witnessed by the Named Employee. There is no video or audio recording of the conversation between the two and, with one exception; their two accounts are the same. The one difference between the complainant's recollection of the conversation and that of the Named Employee is whether or not the Named Employee identified himself by name. While the preponderance of the evidence from this investigation does not support the allegation of unprofessional conduct by the Named Employee, the OPA Director had concerns regarding the wisdom of the Named Employee's decision to make a traffic contact while off-duty and without the benefit of Dispatch and other officers knowing what he was doing. The infraction allegedly committed by the complainant was so minor that it hardly seems worth the risk of making an off-duty, solo traffic contact in the middle of traffic.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Shall Strive to be Professional at all Times*.

Required Training: The Named Employee's supervisor should counsel the Named Employee regarding the factors to consider when deciding to take police action while off-duty, weighing the dangers, risks, benefits and seriousness of the offense. In addition, the Named Employee should be counseled to notify Dispatch if he does decide to take off-duty action, to report the action to his supervisor as soon as possible, and to complete any required reports (e.g., a Traffic Contact Report or Citation should have been completed for this event).

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.