



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 24, 2019

CASE NUMBER: 2019OPA-0223

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained (Lawful and Proper)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee failed to conduct a thorough investigation and treated him unprofessionally during an incident that took place on April 10, 2019.

### ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegations #1**

#### ***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

Named Employee #1 (NE#1) and his partner were dispatched to a two-vehicle collision. NE#1 was the primary officer. The officers conducted an investigation into the collision that include the following actions: interviewing all parties, assessing the scene, and coordinating the response by the Seattle Fire Department. The officers ultimately determined that the Complainant was stopped at a stop sign and failed to yield to the other vehicle, whose driver had the right of way and was not subject to any traffic control devices or signs. As such, NE#1 found that the Complainant was at fault and issued him a citation.

The Complainant told OPA that NE#1 ignored the fact that the Complainant moved slowly into the intersection and looked both ways right before the accident. The Complainant stated that he views himself as a law-abiding citizen and that it seems irrational for him to obey the law when the facts of his situation can be ignored so “flippantly” by NE#1. The Complainant further noted that NE#1 seemed to be simply “going through the motions.” The



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Complainant stated that NE#1 seemed like a nice guy but recommended that he receive additional training in conducting interviews.

As part of its investigation, OPA reviewed the police reports associated with this incident. OPA determined, based on that review, that the reports generated by NE#1 accurately recounted his investigation of the incident and were consistent with the BWV. Moreover, based on the reports and the BWV, OPA found that NE#1's investigation into this incident was comprehensive.

OPA also reviewed the BWV, which shed additional light as to NE#1's decision to cite the Complainant. BWV captured NE#1 ask the Complainant: "Did you not see her coming, or did you think she was coming at an excessive speed?" The Complainant replied: "I think she was coming a little too fast." The Complainant further explained that he stopped at the stop sign, looked both directions before proceeding, and only saw the other vehicle after he had pulled out of the intersection. NE#1 told the Complainant that, since there were no independent witnesses, no way to access the other driver's speed, and since the Complainant had a traffic-control device, the Complainant would be listed as the at-fault driver. NE#1 recommended to the Complainant that he take photographs of the intersection, including the construction at the corner, and that he provide those photographs to the insurance company. NE#1 lastly pointed out to the Complainant that cars seen at the stop sign were stopping and then pulling forward in order to clearly see on-coming traffic.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional at all times." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." (SPD Policy 5.001-POL-10.)

As discussed above, NE#1's investigation of this incident and interaction with the Complainant were both fully recorded on BWV. The BWV of this incident does not support that Complainant's assertion that NE#1 was unprofessional or "flippant" during this incident. While OPA understands that the Complainant is frustrated by receiving what he believes is an unfair citation, NE#1 did not abuse his discretion when finding the Complainant at fault. Indeed, the BWV supports that NE#1's decision was supported by the facts and circumstances available to him at the time and that his investigation was thorough, complete, and appeared fair to all involved parties. For these reasons, I find that NE#1 acted professionally in his interaction with NE#1 and, accordingly, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #1 - Allegation #2**

***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

SPD Policy 15.180-POL-1 requires that, in primary investigations, officers conduct a thorough and complete search for evidence.

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**