



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0779

Issued Date: 03/18/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (6) Professionalism – Prohibitions Concerning Derogatory Language (Policy that was issued 08/15/12)
OPA Finding	Sustained
Final Discipline	5 day suspension without pay and Retraining on Department Policies on (1) Profanity and Derogatory Language and (2) Race and Social Justice

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (11) Professionalism - Accountability (Policy that was issued 08/15/12)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

A Seattle Police Department officer encountered an occupied vehicle with an associated arrest warrant and believed that the occupant of the vehicle fit the description of the wanted person. The officer requested assistance in contacting the occupant to investigate whether he was the wanted subject. Name employee #1 arrived at the scene in her patrol vehicle. The suspect vehicle drove off and then fled when the initial officer activated his emergency lights. The

officers lost sight of the suspect vehicle and did not actively pursue it. During its flight, the suspect vehicle was involved in several hit and run collisions. Named employee #1 observed a subject walking in the area but did not recognize him as the suspect. A television crew had located the suspect's vehicle. Named employee #1 made a brief area check for the suspect before returning to the suspect vehicle to begin the impound procedure. Named employee #2 pulled alongside named employee #1's patrol vehicle. A conversation between the two employees was captured on named employee #1's In-Car Video (ICV) system.

COMPLAINT

The complainant alleged that named employee #1 used profanity and possibly racist comments in regards to a suspect. Named employee #1 was cussing to herself while searching for an eluding suspect and when briefing a supervisor.

OPA added the allegation "Failure to Report Use of Derogatory Language" against named employee #2, the screening supervisor.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation identified that derogatory language was used by named employee #1. In her OPA interview, named employee #1 stated that she had no intention to be demeaning or derogatory. The conduct of named employee #2 was reviewed under the SPD policy in effect at the time. Unlike the current policy, the earlier policy did not define or otherwise provide examples of "minor" misconduct appropriate for supervisor correction and/or misconduct of a "more serious nature" where reporting would have been mandatory. In this particular case, named employee #2 determined the statements made by named employee #1 to be an act of minor misconduct and took "corrective action" by counseling named employee #1. Given the language of the current policy, no SPD supervisor at this present time could reasonably conclude that the language used was "minor misconduct"; however, OPA does not find a preponderance of evidence to show that at the time of the incident named employee #2 was clearly on notice that he had an obligation to report this misconduct to OPA rather than to take the correction he did.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee used derogatory language. Therefore a **Sustained** finding was issued for *Professionalism – Prohibitions Concerning Derogatory Language*.

Discipline imposed: 5 day suspension without pay and Retraining on Department Policies on (1) Profanity and Derogatory Language and (2) Race and Social Justice

Named Employee #2

Allegation #1

The evidence showed that the named employee should be given training on his obligations as a supervisor under the current policy to report misconduct to OPA, whether directly observed or alleged by others. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Professionalism - Accountability*.

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.