



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1067

Issued Date: 03/17/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.280 (4) DUI Investigations: Officers Have a Duty to Act (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee and a Student Officer stopped to assist a disabled vehicle in a middle lane on a freeway.

COMPLAINT

The complainant, the Force Review Unit, alleged that the Named Employee violated SPD policy when he did not process an intoxicated driver for DUI.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The DUI aspect of this incident was poorly handled by both the Named Employee and the Student Officer who was with him at the time. Had either or both officers taken the time to compare notes with each other and the transport officers, they would have discovered evidence the female subject had been the driver of the vehicle. Based on the OPA investigation, it appeared that the Named Employee may have allowed himself to be distracted by the assault on him by the male and the disruptive behavior of the female. Had the Student Officer been out of field training, it would have been reasonable for him to show more initiative to act on the statement the male subject made to him concerning the female being the one who was driving. As it was, the Student Officer appeared to have been deferential to the Named Employee's conclusion they had no evidence to place either subject behind the wheel. As a Field Training Officer (FTO), the Named Employee could have done a better job modeling to the Student Officer how to investigate the possible DUI with which they were presented. As it was, the Named Employee appeared to have made some assumptions and been distracted by the male subject's assault and the disruptive behavior of the female subject.

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 *DUI Investigations: Officers Have a Duty to Act*.

Required Training: Named Employee should be counseled by his supervisor and the FTO Sergeant on his Watch regarding the importance of addressing all aspect of an incident, especially those requiring action such as DUI and DV, and modelling to Student Officers how to conduct a thorough and complete investigation.

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.