



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2016OPA-1519

Issued Date: 11/16/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued January 1, 2015)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Sustained
Allegation #4	<u>Seattle Police Department Manual</u> 5.100 (I. A. 1.) Operations Bureau Individual Responsibilities: Patrol Officers: Responsibilities: Remain in your area (district/beat) as much as possible, unless: (Policy that was issued July 20, 2010)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	3 Day Suspension

INCIDENT SYNOPSIS

The Named Employee brought his Airsoft rifle to work, transferring it from his personal vehicle to his patrol vehicle.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee failed to report damage to a Seattle Police Patrol Unit subsequent to an unintentional discharge of an Airsoft rifle while on duty. It was also alleged the Named Employee while in uniform, on duty, and adjacent to a marked SP patrol unit discharged the weapon two to four times at cans within the City Limits of Seattle in possible violation of city ordinance and professionalism as required under SPD policy.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The Named Employee acknowledged that he brought his Airsoft rifle with ammunition to work, fired it while on duty from the seat of his patrol vehicle “three or four times,” and had an accidental discharge inside his vehicle. The Named Employee acknowledged that when he worked an emphasis shift the following day and logged in using the same patrol vehicle, he “immediately” saw the damage that his accidental discharge had caused. The Named Employee acknowledged that he did not report the incident or the damage to anyone on that day, citing “nerves.” When the Named Employee returned to work after his furlough, he learned during roll call that the damage had been discovered and an investigation launched by the Department believing someone had fired a gun at a police vehicle. Even at that point, the Named Employee waited several hours before reporting his involvement to a supervisor.

Under Seattle Municipal Code 12A.14.083 – Weapons in Public Places, it is unlawful to knowingly carry or shoot any air gun upon or onto any public place. The preponderance of the evidence and admissions by the Named Employee indicate he shot the air gun in a public place in violation of City law.

The Named Employee knowingly and willingly violated city law by firing his air gun while on duty, in full uniform, in a marked SPD patrol car. Such behavior reflects poorly on the

Department. Even though this took place at a time and location such that it was unclear if a member of the public observed the Named Employee's behavior, public observance or knowledge of the Named Employee's unlawful behavior would undermine public trust of the Department.

The Named Employee was assigned to Third Watch, South Precinct. The Named Employee parked his patrol vehicle in the area of East Marginal Way and Spokane Street, and fired his Airsoft rifle several times at the target. The location in which the Named Employee fired his Airsoft was within his beat and sector. While it was troublesome that the Named Employee was "playing" with his new "toy" and not engaged in his assigned duties, he did remain in his assigned area.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee did not immediately report the accidental discharge or the damage it had caused. Therefore a **Sustained** finding was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct.*

Allegation #2

A preponderance of the evidence showed that the Named Employee shot an air gun in a public place in violation of City law. Therefore a **Sustained** finding was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy.*

Allegation #3

A preponderance of the evidence showed that the Named Employee knowingly and willingly violated city law by firing his air gun while on duty, in full uniform, in a marked SPD patrol car. Therefore a **Sustained** finding was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Discipline Imposed: 3 Day Suspension

Allegation #4

A preponderance of the evidence showed that the Named Employee remained in his assigned area. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Operations Bureau Individual Responsibilities: Patrol Officers: Responsibilities: Remain in your area (district/beat) as much as possible, unless:.*

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.