



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2017-0005

Issued Date: 05/15/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 12.050 (6) Criminal Justice Information Systems: All Employees Shall Adhere to WASIS and NCIC Policies (Policy that was issued October 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 12.050 (7) Criminal Justice Information Systems: Employees Shall Not Discuss or Provide Information to Any Person Who Is Not a Member of the Criminal Justice (Policy that was issued October 1, 2016)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 12.050 (8) Criminal Justice Information Systems: Criminal Records Releases Are Restricted (Policy that was issued October 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee responded to a motor vehicle collision involving two drivers.

COMPLAINT

The complainants, supervisors within the Department, alleged that the Named Employee provided screen shots of a Department of Licensing (DOL) return obtained from his Mobile Data Terminal (MDT) to a motorist involved in a collision.

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 Videos
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The preponderance of the evidence supported the conclusion that the Named Employee did not access any Criminal History Database in connection with this incident.

The evidence from the OPA investigation showed that the Named Employee was attempting to assist a motorist who had been involved in a minor collision by retrieving information about the other involved driver which had already been shared between them. The Named Employee used his MDT in the police car to look up driver's license information so he could assist the motorist. No Criminal History Database was accessed as part of this search. However, the search itself was accomplished through something called an ACCESS switch. This is controlled and maintained by the Washington State Patrol and is used for criminal history checks. In order to give the motorist a record of the driver's information she needed, the Named Employee used the motorist's smart phone camera to take a photograph of the MDT screen and the information showing on it. No criminal history information was displayed on the screen. Nonetheless, the Named Employee should not have given the motorist access to the information on the screen. Rather, he could simply have written down on a piece of paper the information she needed and to which she was entitled. However, no unauthorized disclosure of criminal history information took place.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence supported the conclusion that the Named Employee did not access any Criminal History Database in connection with this incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Criminal Justice Information Systems: All Employees Shall Adhere to WASIS and NCIC Policies*.

Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Criminal Justice Information Systems: Employees Shall Not Discuss or Provide Information to Any Person Who Is Not a Member of the Criminal Justice*.

Required Training: The Named Employee's supervisor should clearly remind him that under no circumstances is he to allow any unauthorized person to view or in any other manner have direct access to the information on his MDC or any other computer terminal that is displaying information obtained through the ACCESS system.

Allegation #3

A preponderance of the evidence supported the conclusion that the Named Employee did not access any Criminal History Database in connection with this incident. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Criminal Justice Information Systems: Criminal Records Releases Are Restricted*.

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.