



CLOSED CASE SUMMARY

ISSUED DATE: MAY 15, 2018

CASE NUMBER: 2017OPA-1195

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

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 Named Employee #1 was rude and aggressive when the Complainant was involved in a minor traffic collision that she claimed was caused by a medical emergency. The Complainant further alleged that Named Employee #1 asked invasive questions about her medical history instead of focusing on the collision, wrongfully issued her a citation, and stated that her driver’s license would be confiscated as a result of the accident.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

The Complainant was involved in a traffic accident with another motorist. She rear-ended the other motorist when he was stopped at a stop sign. According to the Complainant, the accident occurred due to her suffering a medical event while operating her car. The Complainant received medical treatment at the scene and was inside of the ambulance when Named Employee #1 (NE#1) arrived.

Upon arriving at the location of the accident, NE#1 made contact with the other male motorist, who was standing outside of his vehicle. NE#1 explained that he spoke to the other motorist first because he was the first person NE#1 saw. NE#1 stated that, during this conversation, he asked the other motorist whether he had consumed any drugs or alcohol on that date. The other motorist denied doing so. NE#1 explained that this is a question he regularly asks when investigating vehicle accidents.

NE#1 stated that he then went to speak with the Complainant. NE#1 recalled that she was receiving medical treatment in the ambulance at that time. NE#1 also asked the Complainant whether she had consumed any drugs or alcohol prior to the accident. The Complainant named three medicines that she had taken. While NE#1 did not recall specifically what he said, NE#1 told OPA that it would have been his practice to ask about those drugs and their possible interactions and side effects. NE#1 recalled that the Complainant disclosed that she had suffered a stroke a week or so prior to the accident. She also indicated that she was diagnosed with Multiple Sclerosis. However, the Complainant told NE#1 that her doctor had deemed her able to drive. The Complainant told NE#1 that, while she was driving, she saw lights and colors and then the accident occurred. Based on his training and experience, NE#1



believed that this suggested that a medical event was the cause of the accident. NE#1 stated that the Complainant additionally told him that, at the time of the accident, she was driving a rental car because she had gotten into another car accident. She claimed that she was not the responsible party in that prior accident. Based on this information, NE#1 told OPA that he felt it was his responsibility to report the Complainant to the Washington State Department of Licensing for a possible re-examination.

NE#1 told OPA that he took both parties' driver's licenses and used them to generate a collision report. He further stated that he issued a citation to the Complainant as he believed that she was at fault. NE#1 issued the Complainant a citation under SMC 11.53.120 for following too closely.

NE#1 denied ever raising his voice or engaging in unprofessional behavior towards the Complainant during their interaction.

The Complainant had a very different account of this incident. She alleged that NE#1 was unprofessional and rude towards her. Specifically, the Complainant stated that: NE#1 asked her whether she was on drugs or impaired by alcohol; he asked "excessive and invasive" questions concerning her medical history but failed to ask anything about the accident; he issued her a citation without explaining the reason why and without a proper basis to do so; and he threatened that her license would be taken away. She concluded that she believed that she was treated in a "terrible manner."

SPD Policy 5.001-POL-9 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-9.)

The entirety of the audio of the interaction between the Complainant and NE#1 was recorded on NE#1's In-Car Video (ICV) system. Based on my review of the ICV, I find no evidence that NE#1 acted unprofessionally towards the Complainant. In my opinion, the ICV largely supports NE#1's recounting of the incident. While NE#1 asked the Complainant whether she had consumed drugs or alcohol, that was a standard question that he asked the other driver as well. Further, there is no evidence from the ICV that the questions that NE#1 asked the Complainant about her medical history, which were limited, were "excessive or invasive," as the Complainant asserted. The ICV also contradicted the Complainant's assertion that NE#1 failed to explain the reason for the citation that he issued. Indeed, he did do so. Lastly, NE#1 never threatened that the Complainant's license would be taken away. While NE#1 explained to the Complainant that she would need to be re-tested by the Department of Licensing, he explicitly told her that there was no guarantee that her license would be revoked.

While I can imagine that the Complainant was frustrated with receiving a citation and was concerned with having to be re-tested by the Department of Licensing, this was not due to any malfeasance on the part of NE#1. To the contrary, the ICV indicated that NE#1 behaved appropriately and professionally during his interaction with the Complainant. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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