



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA# 14-0128

Issued Date: 03/26/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.190 Court Appearances & Legal Proceedings – Failure to Appear (Policy that was issued 4/1/09)
OPA Finding	Not Sustained (Management Action)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (1) Ensuring Public Trust (Policy that was issued prior to 7/16/14)
OPA Finding	Not Sustained (Management Action)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employee was assigned to the Traffic Unit and part of his duties included testifying in traffic court and to appear in court when summoned.

COMPLAINT

The City Attorney's Office (CAO) notified the Traffic Unit that the named employee had missed 23 scheduled court appearances over the period of one year.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint e-mail
2. Review of the City Attorney's Office (CAO) documents and records
3. Interviews of witnesses
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Based on the investigation, it appears that current SPD processes do not adequately notify supervisors in a timely fashion when employees fail to appear as witnesses in court. The current policy states that if an officer fails to appear to a Municipal Court assigned case then Municipal Court personnel will contact the SPD Court Coordinator. There is no employee assigned as the SPD Court Coordinator. The court clerk supervisor had only notified the City Attorney's Office of the missed court appearances and not SPD. There is not documentation or assertions that the named employee's supervisor addressed issues of Failure to appear with the employee.

FINDINGS

Named Employee #1

Allegation #1

The named employee acknowledged that he did not appear in the listed court proceedings however he was not aware that he needed to attend all court proceedings regarding photo enforcement. The evidence does not show that the named employee intentionally disregarded SPD policies and procedures. Therefore a finding of **Not Sustained** (Management Action) was issued for *Court Appearances & Legal Proceedings – Failure to Appear*.

Allegation #2

While it is understandable that the named employee's failure to appear created prosecutorial issues, the evidence does not show that he intentionally disregarded SPD policies and procedures. Therefore a finding of **Not Sustained** (Management Action) was issued for *Ensuring Public Trust*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

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.



City of Seattle

Office of Professional Accountability

November 4, 2014

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (14-IS-0128)

Dear Chief O'Toole:

A recent Office of Professional Accountability (OPA) investigation pointed out the need for the Seattle Police Department (SPD) to improve its methods and processes for ensuring that SPD officers appear in court as required by subpoena. In particular, it appears that current SPD processes do not adequately notify supervisors in a timely fashion when employees fail to appear as witnesses in court. Given our mutual desire to reinforce the important role that sergeants play in holding officers accountable, I feel confident you will agree with me that sergeants need to know as soon as possible if officers who report to them are not showing up to court as required.

In the OPA case that gave rise to this recommendation, an officer assigned to the Traffic Division missed numerous court appearances without his supervisor being made aware of the problem. Had the sergeant been made aware, he or she would have had the opportunity to determine the reason for these failures to appear and correct any misunderstanding on the part of the officer. In any case, timely feedback to the sergeant would have resulted in behavioral correction by the officer. Instead, the problem persisted for months without the supervisor being aware that a problem even existed.

If I or any member of the OPA staff can be of assistance, please do not hesitate to ask.

Sincerely,

A handwritten signature in blue ink that reads "Pierce Murphy".

Pierce Murphy
Director, Office of Professional Accountability