



# OFFICE OF PROFESSIONAL ACCOUNTABILITY

## Closed Case Summary

Complaint Number OPA#2014-0597

Issued Date: 04/21/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (4) In-Car Video System – Record Enforcement Activity (Policy that was issued 11/21/12)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (3) In-Car Video System – System Check (Policy that was issued 11/21/12)
OPA Finding	<b>Sustained</b> (No Discipline – Training)
Allegation #4	<u>Seattle Police Department Manual</u> 6.222 (10) Voluntary Contacts & Terry Stops – Document All Stops (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #5	<u>Seattle Police Department Manual</u> 6.222 (6) Voluntary Contacts & Terry Stops – Courtesy & Identification (Policy that was issued 01/30/14)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	No Discipline - Training

## **INCIDENT SYNOPSIS**

The named employee was dispatched to a 911 call regarding suspicious people living in a Recreational Vehicle (RV). The 911 caller believed the subjects were “stripping a SUV or parting out stolen vehicles.” The named employee attempted to contact subjects in the RV but only spoke with one occupant. The complainant, the occupant, did not cooperate with the named employee to provide any information about anyone else within the RV. The named employee spoke with the complainant further and then left.

## **COMPLAINT**

The complainant alleged that the named employee was unprofessional in his manner and the language he used when the officer interacted with him and his friend.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint voicemails
2. Interview of the complainants
3. Search for and review of all relevant records and other evidence
4. Review of In-Car Videos
5. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

A thorough review of the evidence showed that the named employee believed that this call was a Social Contact (no enforcement action to be taken) and not a Terry Stop (pre-cursor to enforcement action). The named employee did not immediately turn on his In-Car Video, the initial interaction was not recorded and therefore the allegation of professionalism could not be proven or refuted. As the named employee was responding to possible illegal activity, he should have turned on his In-Car Video upon arrival. During the investigation, the named employee admitted that he did not perform a mandatory system check of his In-Car Video system. There was no evidence presented to show that the contact was a Terry Stop, there was no detention or seizure, and the named employee was correct that no documentation was required for a Social Contact or a requirement to identify him.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The allegation of unprofessional behavior and language could not be proved or disproved by the evidence. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Professionalism*.

#### Allegation #2

The evidence showed that the named employee should have turned on his In-Car Video upon arrival at the scene. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In-Car Video System – Record Enforcement Activity*. A Training Referral will allow a supervisor to review the In-Car Video policy with the named employee to ensure use of the system occurs within Department Policy.

#### Allegation #3

The evidence showed that the named employee failed to perform a pre-shift In-Car Video system check. Therefore a finding of **Sustained** was issued; however, there will be no discipline. Further training will ensure that the named employee properly follows procedures for the use of the In-Car Video system.

#### Allegation #4

The evidence supports that the named employee made a Social Contact during this interaction. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts & Terry Stops – Document All Stops*.

#### Allegation #5

The evidence supports that the named employee made a Social Contact during this interaction. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts & Terry Stops – Courtesy & Identification*.

Discipline Imposed: **No Discipline - Training**

*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.*