



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1510

Issued Date: 04/22/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.280 (3) DUI Investigations: Officers Have a Duty to Act (Policy that was issued 10/15/2015)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May use Discretion (Policy that was issued 04/01/2015)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/2015)
OPA Finding	Sustained
Final Discipline	No Discipline, employee resigned from SPD

INCIDENT SYNOPSIS

The Named Employee was dispatched to assist another agency with an intoxicated male. The Named Employee made contact with the "Federal Officer" and the intoxicated male. He engaged them in a very brief conversation and then left the scene to respond to an in-progress burglary. 911 received a call that the intoxicated male left the scene in his vehicle by using a spare key. At about that time, radio broadcasted a hit and run collision with the vehicle description matching the DUI event that the Named Employee had previously been dispatched

to. The Named Employee was confused about why the “Federal Officer” would let the suspect leave. The Named Employee returned to the initial scene and made contact with the “Federal Officer.” He learned that his contact was not a “Federal Officer” but an armed security officer. The Named Employee further interviewed the armed security officer and took possession of the intoxicated male’s keys and license.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee failed to take appropriate action at an initial DUI scene which allowed the driver to use a spare vehicle key and leave the scene causing a hit and run 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 Video (ICV)
4. Interview of witnesses
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation documented that the Named Employee initially believed he was assisting another law enforcement officer in processing a potential impaired driver. The driver was detained by an individual wearing a uniform and carrying equipment consistent with a sworn law enforcement officer. The guard handed the Named Employee the driver’s keys and identification. In his OPA statement, the Named Employee thought this was odd. Rather than investigating to determine the role of the armed guard and the status of the detained driver, the Named Employee abandoned the investigation and responded when a priority one call was broadcast. The result was that an apparently impaired driver was able to leave the scene and become involved in a subsequent collision. The Named Employee did not have his In-Car Video system turned on when he returned to interview the armed guard.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the Named Employee did not properly conduct a DUI Investigation. Therefore a **Sustained** finding was issued for *DUI Investigations: Officers Have a Duty to Act*.

Allegation #2

The weight of the evidence showed that the Named Employee failed to exercise appropriate discretion. Therefore a **Sustained** finding was issued for *Employees May use Discretion*.

Allegation #3

The weight of the evidence showed that the Named Employee did not comply with the policy in place at the time of the event. Therefore a **Sustained** finding was issued for *Employees Will Record Police Activity*.

Discipline imposed: No Discipline, employee resigned from SPD

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.