



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0485

Issued Date: 12/13/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 5.140 (2) Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee impounded a trailer which was attached to a vehicle that was registered to the complainant.

COMPLAINT

The complainant alleged that the Named Employee issued a frivolous ticket in order to have his trailer impounded, was continuing to harass him, and was biased against him because he is white. During the course of the investigation, OPA added an allegation regarding Named Employee's In-Car Video (ICV) use during this incident.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

During the course of the OPA Investigation, it was alleged the Named Employee failed to audio and video record police activity as required by policy. The preponderance of the evidenced showed the Named Employee logged to a suspicious circumstances investigation. The Named Employee activated his ICV ten minutes into the call, and he shut off his ICV before he finished handling the investigation. During his interview the Named Employee stated he did not know why he started the ICV late and could not remember why he stopped it early. The policy is clear that the Named Employee was required to activate his ICV prior to taking enforcement action, and keep it running until the end of the incident. The Named Employee did not provide any explanation to excuse his failure to comply with ICV policy.

The complainant alleged that the Named Employee was biased against him because he is white and the Named Employee is black. The Named Employee was responding to numerous reports of junk vehicles and car campers in the area. Both the Mayor's office and the Assistant Chief said that officers would be enforcing the current ordinances prohibiting junk cars parked on city streets. The complainant's vehicle was parked without license plates, a VIN or any other identifying marks as required by Seattle Municipal Code. The Named Employee lawfully issued a citation to the vehicle and impounded it according to law and policy. Nothing indicated that the employee was targeting the complainant for any reason other than the lawful purpose of enforcing the law.

FINDINGS

Named Employee #1

Allegation #1

The preponderance of the evidenced showed the Named Employee failed to comply with ICV policy. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline imposed: Written Reprimand

Allegation #2

The preponderance of the evidence did not support the allegation that the Named Employee was targeting the complainant for any reason other than the lawful purpose of enforcing the law. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

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.