



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1080

Issued Date: 03/21/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.260 (2) Collision Investigations: Officers Take Collision Reports For All Mandatory Reportable Collisions (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 15.260 (3) Collision Investigations: Officers May Assist Motorists in Non-Reportable Collisions (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #4	<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 (Inconclusive)
Allegation #5	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)

Allegation #6	<u>Seattle Police Department Manual</u> 5.001 (13) Standards and Duties: Retaliation is prohibited (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<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 (Inconclusive)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.100 (III. A. 1.) Operations Bureau Individual Responsibilities: Patrol Sergeant: Responsibilities: Direct supervision of police officers, including: (Policy that was issued July 20, 2010)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.100 (III. B. 6.) Operations Bureau Individual Responsibilities: Patrol Sergeant: Field Supervision: Reports (Policy that was issued July 20, 2010)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The complainants attempted to obtain a copy of a collision report.

COMPLAINT

The complainants alleged Named Employee #1 failed to conduct a thorough investigation and never completed a collision report. Upon review by OPA there appeared to be possible bias by

Named Employees #1 and #2 against the complainant who was the subject of the vehicle collision, based on his nationality and inability to speak English. Neither Named Employee #1 nor Named Employee #2 conducted a thorough interview of the complainant and seemed almost dismissive of his perspective. An additional allegation by one of the complainants was brought up during the intake interview with OPA that Named Employee #1 called him and was rude and unprofessional after the complainant had written an email asking for the report again. The Named Employee's Supervisor (Named Employee #3) was added with allegations given that the complaint attempted to contact him to get the collision report.

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

The evidence supported the conclusion that Named Employee #1 took expected steps to complete a Collision Report (PTCR) beginning while at the scene. He gathered the information required for the report and provided the parties with a General Offense Report (GOR) number. He arranged for his assist officer, Named Employee #2, to take care of the impound of the complainant's vehicle and prepare the Impound Supplemental that went with his PTCR. OPA was unable to determine what happened to the original PTCR Named Employee #1 authored. In June of 2016, Named Employee #1 was notified the PTCR was missing. He told OPA he was hoping it would turn up. In July of 2016, Named Employee #1 indicated that rewriting the report was a possibility. However, he did not do this until September of 2016, eighteen days after OPA sent Named Employee #1 notification of this complaint. The record was clear that SPD lacks an adequate system to track, locate or verify lost reports. The review and approval process has several places in it where a report could get lost. With this in mind, it was possible that Named Employee #1 completed the PTCR in question the same day as the collision and it was subsequently lost. However, once Named Employee #1 was aware towards the end of July that the PTCR could not be located, he should have gone ahead and written a replacement report. Waiting until the whole matter generated an OPA complaint was not consistent with the values and mission of SPD. Given Named Employee #1's experience and training, he should have realized the inconvenience and even financial hardship placed on people involved in vehicle collisions when they are unable to proceed with an insurance claim because the police cannot provide the parties with a PTCR.

The evidence supported the conclusion that the collision connected with this incident was one that required reporting. As such, simply facilitating the exchange of information between the parties was not an option in this case.

The evidence supported the conclusion that Named Employee #1 obtained a GOR number and eventually completed a PTCR.

There was not a preponderance of evidence to show whether or not, and if so to what extent, Named Employee #1 allowed any possible bias regarding the complainant's race or nationality to influence how he (Named Employee #1) handled the call, how much time and to what extent he interviewed both parties to the collision, his decision not to issue a citation to the driver of the vehicle that collided with the complainant's vehicle, and whether or not he (Named Employee #1) wrote a PTCR. Named Employee #1's statements to others about the complainant possibly "faking" his injury seemed to indicate he (Named Employee #1) quickly formed a negative opinion about the complainant. This opinion may have influenced how Named Employee #1 interacted with the complainant and the actions or lack of action Named Employee #1 took to complete his collision investigation and report. However, based on the evidence from this investigation, there was no preponderance to either prove or disprove that Named Employee #1's negative conclusions about the complainant and/or Named Employee #1's actions related to this matter were motivated by bias.

There was not a preponderance of evidence to show how Named Employee #1 spoke with the witness when he called him in August, 2016. Named Employee #1 and the person he spoke with on the phone had differing accounts of what was said and the tone in which it was said.

There was not a preponderance of evidence to show whether or not, and if so to what extent, Named Employee #2 allowed any possible bias regarding the complainant's race or nationality to influence how she (Named Employee #2) interacted with the complainant or the other driver at the scene. However, as the assisting officer Named Employee #2 did not make decisions regarding how to handle the call, what sort of report to write, or if a citation should be issued. Based on the evidence from this investigation, there was no preponderance to either prove or disprove the allegation that Named Employee #2's actions related to this matter were motivated by bias.

There was not a preponderance of evidence to show whether or not Named Employee #3 knew or should have known if Named Employee #1 completed and turned in a PTCR related to this incident.

There was not a preponderance of evidence to show whether or not Named Employee #3 reviewed an original PTCR submitted by Named Employee #1 in April, 2016.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Collision Investigations: Officers Take Collision Reports For All Mandatory Reportable Collisions*.

Required Training: Named Employee #1 should receive clear counseling and direction from his supervisor regarding their expectations of him in the area of public service and timely responses to reasonable requests for him to perform tasks well within his responsibility.

Allegation #2

A preponderance of the evidence showed that simply facilitating the exchange of information between the parties was not an option in this case. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Collision Investigations: Officers May Assist Motorists in Non-Reportable Collisions*.

Allegation #3

A preponderance of the evidence supported the conclusion that Named Employee #1 obtained a GOR number and eventually completed a PTCR. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report*.

Allegation #4

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Allegation #5

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Allegation #6

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Retaliation is prohibited*.

Named Employee #2

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Bias-Free Policing: Officers Will Not Engage in Bias-Based Policing*.

Named Employee #3

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation.

Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Operations Bureau*

Individual Responsibilities: Patrol Sergeant: Responsibilities: Direct supervision of police officers, including:.

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation.

Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Operations Bureau*

Individual Responsibilities: Patrol Sergeant: Field Supervision: Reports.

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.