



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 27, 2017

CASE NUMBER: 2016OPA-1531

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.090 - In-Car Video System 6. Employees Will Record Police Activity	Sustained
# 2	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Inconclusive)
# 3	7.090 - Photographic Evidence 2. Employees Upload Photographs They Create Into the Digital Evidence Management System (DEMS)	Not Sustained (Unfounded)
# 4	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	Not Sustained (Lawful and Proper)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that the Named Employee’s long response time for a motor vehicle collision was unprofessional and reflected poorly on SPD. OPA’s initial review of the incident shows that the Named Employee reportedly took almost an hour to arrive on the call, which may have reflected poorly on the Department. Additionally, OPA alleged that the Named Employee may have violated the In-Car Video (ICV) policy as he was dispatched and arrived twice, but only one of those two was recorded on ICV. During OPA’s review of the ICV at Intake, it also appeared that the Named Employee may have failed to upload photographs of the other driver taken by the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.090 - In-Car Video System 6. Employees Will Record Police Activity

The evidence clearly shows that the Named Employee (NE) did not start his ICV recording before he arrived the first time at the location to which he had been dispatched. SPD Policy 16.090(6) requires officers to record all police activity in response to a dispatched call “starting before the employee arrives on the call.” The NE told OPA he did not record in this instance because he could not locate the caller once he arrived at the location to which he had been dispatched. The NE told OPA he is under the impression that officers do not need to begin recording until they have actually located the person(s) with whom they are to make contact, even if the officer has already arrived at the address or physical location to which the officer was dispatched. While this may be the NE’s interpretation of what the policy means, it is not what it says. Furthermore, the Department’s clear and consistent communication



about the requirement to record is that the ICV system must be recording by the time the officer arrives at the location to which the officer has been dispatched. I have recommended a Sustained finding for this allegation.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

The Complainant alleged it took an unreasonably long period of time for the NE to respond to a call of a collision involving a possible impaired driver who subsequently left the scene before the arrival of the NE. There is not sufficient evidence to either prove or disprove that the NE failed to respond to the call in a timely manner when he had the means and availability to do so. OPA was not able to establish, by a preponderance of the evidence, what the NE was doing during the period of time when the Complainant was waiting for the arrival of the NE. For this reason, I have recommended a finding of Not Sustained (Inconclusive) for this allegation.

Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #3

7.090 - Photographic Evidence 2. Employees Upload Photographs They Create Into the Digital Evidence Management System (DEMS)

The NE used his cell phone to take pictures of the Complainant's cell phone as it displayed pictures the Complainant had taken of the other driver and her license. The NE told OPA he only did this as a substitute for writing the information from the license into his notebook. This explanation is confirmed by the NE's ICV of him taking the photo of the Complainant's phone. In essence, the NE used the camera on his cell phone as a note-taking device. He was not collecting any evidence for a criminal investigation. I have recommended a finding of Not Sustained (Unfounded) for this allegation.

Recommended Finding: **Not Sustained (Unfounded)**

Named Employee #1 - Allegation #4

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report

The Complainant told Dispatch and the NE that the other driver appeared to be highly intoxicated. This information was not included in the General Offense Report (GOR) and related Police Traffic Collision Report authored by the NE. The NE never made contact with the other driver and had no ability to independently evaluate if the other driver was impaired. For this reason, the NE could only write in his report that the Complainant reported that the other driver appeared to be intoxicated. While including this fact in the GOR would have made it more complete, it was not essential information. The other driver had long departed the scene by the time the NE arrived and there was no possibility the NE or any other SPD officer was going to pursue a DUI investigation in connection with this collision. Even a possible Hit and Run investigation was not likely to ensue because the other driver had only failed to provide her insurance information to the Complainant; she had stopped, provided her driver's license information and waited some time for the police to arrive. For these reasons, I have recommended a finding of Not Sustained (Lawful and Proper) for this allegation.



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Recommended Finding: **Not Sustained (Lawful and Proper)**