



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0157

Issued Date: 09/19/2017

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	<b>Sustained</b>
Allegation #2	<u>Seattle Police Department Manual</u> 6.120-TSK-3 Impounding Vehicles: Impounding a Vehicle on a 72 Hour Notice (Policy that was issued December 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	Written Reprimand

#### **INCIDENT SYNOPSIS**

The Named Employee impounded the complainant's vehicle.

#### **COMPLAINT**

The complainant alleged the Named Employee improperly impounded his vehicle prior to the expiration of the 72 hour notice placed on his vehicle. While conducting intake on this complaint OPA discovered that the Named Employee may have violated policy by not activating his In-Car Video (ICV) to record all police activity.

## **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. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

OPA alleged that Named Employee #1 failed to activate his ICV while taking police action as required by SPD Manual section 16.090. Named Employee #1 onviewed a parking violation in an area that was the source of many community complaints of vehicles parking for extended periods of time in violation of SMC. Named Employee #1 was aware that the vehicle in question was parked in this location in excess of the legally allowable time frame, and that the vehicle was previously tagged with a 72 hour notice. Named Employee #1 acknowledged in his OPA interview that he went with the intention of impounding the vehicle if it had not been moved as required, and that he was required to activate his ICV. Named Employee #1 activated his ICV when he realized that he was not recording his activity approximately nine minutes into the call.

The complainant alleged that Named Employee #1 impounded his vehicle without legal authority because his vehicle was towed prior to the expiration of the 72-hour notice. Named Employee #1 observed the complainant's vehicle parked in the same location for several weeks. Prior to his regular furlough days, he saw that a 72-hour notice was on the vehicle's windshield. When he returned to work he saw that the vehicle was parked in the same location but that the 72-hour notice had been removed. A second 72-hour notice issued on the same day. Named Employee #1 contacted another officer who worked the area, this officer confirmed that he had placed a notice on that vehicle in the same location "weeks earlier." He also informed Named Employee #1 that the registered owner was known to remove the notice so he did not have to move his vehicle. Named Employee #1 failed to document the exact date that the original 72-hour notice was placed on the vehicle as required by policy. Officers may rely on information provided by fellow officers to take enforcement action. It is important that they properly document their justification, and by failing to properly document the date that the notice was given, or that the vehicle had definitively not been moved during the intervening weeks, the department can be held liable for impound fees. The named employee did not document the 72-hour notice as required by SPD policy.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

A preponderance of the evidence showed that the Named Employee did not activate his ICV as required. Therefore a **Sustained** finding was issued for *In-Car Video System: Employees Will Record Police Activity*.

**Discipline Imposed:** Written Reprimand

#### Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Impounding Vehicles: Impounding a Vehicle on a 72 Hour Notice*.

**Training Referral:** Named Employee #1 would benefit from training regarding the importance of proper documentation and the possible liability incurred by his failure to document his legal justification for impounding the complainant's vehicle.

*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.*