



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 17, 2018

CASE NUMBER: 2017OPA-1164

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	13.010 – Collisions Involving Department Vehicles 3. A Sergeant Will Respond to Every Employee-Involved Collision	Not Sustained (Training Referral)
# 2	13.010 – Collisions Involving Department Vehicles 8. Supervisors Shall Review All Collisions Involving Department Vehicles	Not Sustained (Training Referral)
# 3	13.010 – Collisions Involving Department Vehicles 1. Collisions Shall be Investigated by Traffic or Patrol Unit, or the Traffic Collision Investigation Squad (TCIS), if Applicable	Not Sustained (Training Referral)
# 4	13.010 – Collisions Involving Department Vehicles 13.010-TSK-3 Patrol or Traffic Sergeant Investigating an Employee-Involved Collision	Not Sustained (Training Referral)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	13.010 – Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision	Not Sustained (Training Referral)
# 2	13.010 – Collisions Involving Department Vehicles 2. Officers Shall Document All Collisions Involving Department Employees	Not Sustained (Unfounded)

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, a Department Lieutenant, alleged that the Named Employees may have failed to properly document and investigate an officer-involved collision as required by SPD policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

13.010 – Collisions Involving Department Vehicles 3. A Sergeant Will Respond to Every Employee-Involved Collision

SPD Policy 13.010-POL-3 requires that a sergeant respond to every employee-involved collision.

Named Employee #1 (NE#1) was Named Employee #2’s (NE#2) sergeant. When NE#2 came to work on the date in question, she informed NE#1 that she had gotten into an accident that had caused damage to her vehicle’s side



mirror. The damage was minor and apparently amounted to less than \$1,000. This accident occurred at NE#2's residence outside of the City of Seattle.

After being informed of this occurrence, NE#1 reported that he spoke to the Captain of his unit. NE#1 asserted that he was unsure whether this incident qualified as a collision and instead he believed that it was simply property damage that did not fall under the ambit of SPD Policy 13.010. NE#1 recounted that the Captain "suggested that we write it up as the property damaged, which is what happened." The Captain indicated that they should document this matter on a General Offense Report.

NE#1 confirmed that he did not go to the scene. At his OPA interview, the Captain stated that he did not believe it to be a good use of Department resources to send NE#1 to the scene of the accident. He explained that he believed this to be an appropriate decision based on the minimal damage to the vehicle, the distance of NE#2's home from the unit, and the fact that the importance of the duties and responsibilities of NE#1 outweighed sending him to the scene.

By failing to go to the scene, NE#1 acted contrary to the explicit direction of the policy. This was the case regardless of any discussion NE#1 had with the Captain. However, I find that NE#1 engaged in a technical violation of policy and that he did not intentionally do so. For these reasons, I recommend that NE#1 receive a Training Referral rather than a Sustained finding.

- **Training Referral:** NE#1 should be re-trained concerning the elements of SPD Policy 13.010 and, specifically, his responsibilities as a sergeant when he becomes aware that one of his supervisees becomes involved in an accident with a Department vehicle. He should particularly be re-trained concerning the policy sections at issue in this case, including: SPD Policies 13.010-POL-1, 13.010-POL-3, 13.010-POL-6, 13.010-POL-8, and 13.010-TSK-3. NE#1 should be counseled concerning his conduct in this case and should be instructed to comply with this policy in the future. This counseling should be provided by a member of his chain of command other than his Captain who endorsed the decision to not comply with the letter of the policy. This re-training and associated counseling should be memorialized in a PAS entry.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #2

13.010 – Collisions Involving Department Vehicles 8. Supervisors Shall Review All Collisions Involving Department Vehicles

SPD Policy 13.010-POL-8 requires that supervisors review all collisions involving Department vehicles. The policy further states that: "Supervisors will use Blue Team for every employee-involved vehicle collision, regardless of visible damage or monetary loss." (SPD Policy 13.010-POL-8.)

Here, NE#1 admittedly did not review the collision or utilize Blue Team as contemplated by the policy. When he was asked whether this was discussed or endorsed by the Captain, NE#1 stated: "Not specifically, I was just following the direction to have it written on the GO report." NE#1 confirmed that this specific issue was not discussed with the Captain.



As with the remainder of the allegations against NE#1, I find that he failed to comply with policy in this instance. However, I find that this was a technical violation of policy and was not intentional. As such, I recommend that NE#1 receive a Training Referral rather than a Sustained finding. I further refer to the Training Referral set forth above. (See Named Employee #1, Allegation #1.)

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegation #3

13.010 – Collisions Involving Department Vehicles 1. Collisions Shall be Investigated by Traffic or Patrol Unit, or the Traffic Collision Investigation Squad (TCIS), if Applicable

SPD Policy 13.010-POL-1 requires that collisions be investigated by the Traffic Unit or a Patrol Unit, or the Traffic Collision Investigation Squad (TCIS) if applicable.

NE#1 did not screen this matter with either the Traffic Unit or a Patrol Unit. He further did not screen this matter with or notify TCIS. NE#1 explained that he did not do so because of the guidance he received from the Captain. Notably, at his OPA interview, NE#2 indicated that, knowing what he knows now, he would “have either a Patrol or Traffic Sergeant respond to the, to investigate the incident.”

As NE#1 acknowledged, he should have notified the Traffic Unit, the Patrol Unit, or TCIS. Moreover, pursuant to SPD Policy 13.010-POL-6, given that the accident occurred outside of the City of Seattle, NE#1 should have ensured that the outside jurisdiction, not SPD, investigated the accident.

While I find that NE#1 technically violated policy in this regard, I recommend that NE#1 receive a Training Referral. I further refer to the Training Referral set forth above. (See Named Employee #1, Allegation #1.)

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #1 - Allegations #4

13.010 – Collisions Involving Department Vehicles 13.010-TSK-3 Patrol or Traffic Sergeant Investigating an Employee-Involved Collision

SPD Policy 13.010-TSK-3 sets forth the responsibilities of a Patrol or Traffic Sergeant who investigates an employee-involved collision. This section of the policy provides 14 tasks to be performed by the sergeant in such an investigation. (SPD Policy 13.010-TSK-3.)

Aside from ensuring that a General Offense Report was written, NE#1 complied with none of the tasks set forth in this section of the policy. Moreover, he permitted NE#2, who was the driver, to report on and, thus, investigate her own accident. This action, and inaction, was clearly not contemplated by and was inconsistent with the policy.

As with the other allegations against NE#1, I find that he did not comply with the applicable policy; however, I conclude that his failure to do so does not warrant a Sustained finding. Instead, I refer to the Training Referral set forth above. (See Named Employee #1, Allegation #1.)



Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #2 - Allegations #1

13.010 – Collisions Involving Department Vehicles 13.010-TSK-1 Department Employee Involved in a Collision

SPD Policy 13.010-TSK-1 sets forth the responsibilities of a Department employee who is involved in a collision. The policy specifically requires a number of actions, including, but not limited to, the following: (1) the employee notifies a supervisor immediately; (2) the employee remains on the scene until relieved by an on-scene supervisor; and (3) completes a statement and a diagram of the scene on a Sketch Sheet. (SPD Policy 13.010-TSK-1.)

Here, NE#2 did not comply with virtually all of the requirements of this policy. First, she did not notify her supervisor immediately and did not do so until approximately 30 minutes after the accident. Second, she did not remain at the scene until an on-scene supervisor arrived and, in fact, no supervisor was ever dispatched to the scene. Third, she did not complete the statement contemplated by the policy or a diagram – instead, she completed a General Offense Report with the permission of her unit Captain. Notably, NE#2, herself, investigated her own accident, which is expressly contrary to policy.

At her OPA interview, NE#2 stated that she did not believe that she had been involved in a collision as contemplated by this policy. She indicated that, instead, she thought she had simply incurred property damage and, thus, that this policy did not apply to her.

I disagree that property damage to a vehicle does not fall within this policy. Were that the case then anytime an officer caused damage to a SPD vehicle that was not the direct result of a collision with another vehicle, this policy would be inapplicable. That is not the result that the policy or the Department contemplates. That being said, while I find that NE#2 engaged in a technical violation of policy in this instance, I do not believe that she necessarily intended to do so. As such, I recommend that NE#2 receive a Training Referral instead of a Sustained finding.

- **Training Referral:** NE#2 should receive re-training concerning the elements of SPD Policy 13.010 generally and, specifically, SPD Policy 13.010-TSK-1. She should be counseled by her chain of command concerning her failure to comply with the policy in this case. NE#2 should be instructed that if she gets in an accident with a Department vehicle in the future, she is required to abide by the provisions of SPD Policy 13.010-TSK-1, even if she simply occurs minor damage to the vehicle. This counseling should be provided by a member of her chain of command other than her Captain who endorsed the decision to not comply with the letter of the policy. This re-training and associated counseling should be memorialized in a PAS entry.

Recommended Finding: **Not Sustained (Training Referral)**

Named Employee #2 - Allegation #2

13.010 – Collisions Involving Department Vehicles 2. Officers Shall Document All Collisions Involving Department Employees

SPD Policy 13.010-POL-2 requires that officers document all collisions involving Department employees and states that officers should use a Police Traffic Collision Report where the damage to any involved vehicle is more than \$1,000, there is an injury to any person, or any traffic crime is committed. In other cases, the officer is required to



complete a General Offense Report. This policy expressly concerns the officer assigned to investigate the collision, not the involved employee, and the involved employee should not investigate her own collision.

Here, NE#2 was the involved officer, not the investigating officer. As such, this policy does not apply to her. Accordingly, I recommend that this allegation Not Sustained - Unfounded.

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