



CLOSED CASE SUMMARY

ISSUED DATE: MAY 25, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0443

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

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:

On September 27, 2021, Named Employee #1 (NE#1) conducted a traffic stop on a vehicle that the Complainant was operating on the West Seattle Lower Bridge. The Complainant alleged that as a commuting on-call medical professional, she had limited time available for a traffic stop, which NE#1 did not respect. The Complainant also alleged that NE#1 was not wearing a facemask during the traffic stop.

ADMINISTRATIVE NOTE:

During its Intake Investigation, OPA identified one allegation that it returned to the Chain of Command to be handled via a Supervisor Action. Upon review of relevant Body-Worn Video (BWV), OPA determined that NE#1 was not wearing a facemask during the traffic stop and most likely came within six feet of the Complainant, which did not comport with the applicable City of Seattle face covering policy. This matter was directed to NE#1's Chain of Command to address through training, communication, or coaching by the employee's supervisor.

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

All relevant portions of the NE#1's response were captured on Body-Worn Video (BWV). Accordingly, the relevant facts are not in credible dispute.

On September 27, 2021, NE#1 was on traffic patrol on the West Seattle Lower Bridge, during which time he conducted a traffic stop on the Complainant's vehicle. NE#1 advised the Complainant that she was being stopped for a missing front license plate and expired registration. When asked, the Complainant provided NE#1 with her driver's license but



noted to NE#1 that she was unable to locate her registration. NE#1 returned to his police motorcycle and ran a search of the Complainant's record, then printed out a traffic citation. After printing the citation, NE#1 began walking back to the Complainant's car, during which time he stopped another vehicle.

At the time NE#1 stopped the second vehicle, the traffic stop of the Complainant had lasted about six minutes. NE#1 proceeded to speak with the second driver for about two minutes, during which time NE#1 took the second driver's license and registration. NE#1 then walked back to the Complainant's vehicle and presented the Complainant with a citation, which NE#1 indicated was for a missing front license plate. The Complainant then asked NE#1 if he could "hurry," as she had a "call and [had] now 31 minutes to get to Bellevue." NE#1 responded "yes, ma'am," then outlined two warnings that the Complainant was receiving as well as the process for the Complainant to handle the citation.

Upon completion of his explanation, NE#1 asked the Complainant if she had any questions, to which she responded that she did not. NE#1 then returned the Complainant's documentation, at which point the Complainant NE#1 and drove away from the scene. In total, the traffic stop lasted approximately nine minutes, including the two minutes where NE#1 interacted with the second driver.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 – Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 did not respect her time as an on-call medical professional and that the traffic stop delayed life-saving medical care for her patient because it lasted about fifteen minutes.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

In reviewing the BWV of the traffic stop upon which this complaint is premised, OPA notes that the traffic stop was legally permissible due to the Complainant's missing front license plate. Moreover, the stop was only lengthened by about two minutes due to NE#1 pulling over a second motorist. Nevertheless, once NE#1 had procured the second motorist's documentation, he returned to the Complainant and provided her with a citation for a missing front license plate. When the Complainant asked if NE#1 could hurry as she had a call in Bellevue, NE#1 responded in the affirmative and briefly outlined how the Complainant could handle the citation. NE#1 then returned the Complainant's documents to the Complainant, at which time she was able to leave.

In total, the Complainant's traffic stop lasted approximately nine minutes, only two minutes of which NE#1 spent handling a second traffic stop. This amount of time was objectively reasonable and no evidence was found to suggest that NE#1 purposefully delayed the traffic stop. BWV also showed that NE#1 was willing to expedite the stop at the request of the Complainant. Overall, NE#1 appears to have handled the stop within a reasonable timeframe, during which time he exhibited a cooperative and respectful demeanor.



For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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