



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 30, 2022

FROM: DIRECTOR GINO BETTS JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0099

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	16.030 - Ride Along Program 16.030 POL 8. The Department Sets Guidelines for Observer Conduct and Activities	Sustained
# 2	16.030 - Ride Along Program 16.030-PRO-1 The Ride Along Process	Not Sustained - Training Referral

Imposed Discipline

Written Reprimand

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:

It was alleged Named Employee #1 (NE#1) took his spouse on a ride along outside of protocol and without authorization.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA learned NE#1's watch commander, Witness Employee#1 (WE#1), sanctioned the ride along at hand based on his understanding of the related policy. However, over a year prior to the ride along in question, that policy no longer authorized watch commanders to approve ride along requests. Minor policy violations "best addressed through training, communication, or coaching by the employee's supervisor" may be classified for Supervisor Action. [See *Seattle Office of Police Accountability Internal Operations and Training Manual (5.4)(B)(ii)*]. On August 17, 2022, OPA sent WE#1's chain of command a Supervisor Action Notification (SAN), directing WE#1's superior to address his handling of NE#1's ride along request. Specifically, the SAN requested WE#1's superior:

- Discuss the complaint with (WE#1), and
- To the extent deemed necessary by the Chain of Command, document it in the Performance Appraisal System (PAS).

Accordingly, this Director's Certification Memo (DCM) will solely address the allegations against NE#1.

SUMMARY OF INVESTIGATION:



At relevant times, NE#1 (a sergeant), WE#1 (a lieutenant), and WE#2 (a captain), were all assigned to the South Precinct. NE#1 and WE#1 were assigned to first watch. On March 24, 2022, WE#1 emailed OPA about an unrelated OPA investigation, where an unidentified employee allegedly violated the ride along policy. Specifically, WE#1 noted NE#1 was “the only Sergeant that has taken a rider since June of 2021.” Additionally, WE#1 acknowledged he approved NE#1’s ride along request. Realizing WE#1 was unqualified to authorize such a request, OPA initiated an investigation. That investigation included interviewing NE#1, WE#1, and WE#3 [a sergeant detective in SPD’s Audit Policy and Research Section (APRS)]. OPA also reviewed NE#1’s 2021-2022 Ride Along Request and Waiver form submissions.

On June 30, 2022, OPA interviewed NE#1. He confirmed initiating a request to host his wife for a March 13, 2022, ride along. NE#1 also confirmed understanding and having a working knowledge of the ride along approval process, covered under SPD Manual section 16.030, when the request was made. NE#1 identified his wife as an Ellensburg code enforcement officer. He sought WE#1’s ride along approval, so NE#1 and his wife could “pick up a sled deck for a snowmobile in Auburn” after his shift. WE#1 indicated, once NE#1 filled out the ride along paperwork, the request was approved. NE#1’s wife spent his entire shift with him, including responding to emergency calls in a patrol car. He acknowledged knowing policy forbade employees from hosting a ride along with an “observer” with whom they shared a “significant relationship,” like a spouse. NE#1 said he was unsure whether WE#1’s approval superseded the “significant relationship” prohibition in the policy.

Further, NE#1 accepted responsibility for filling out and submitting the Ride Along Request and Waiver forms. However, while acknowledging the policy required WE#2’s approval, he decided WE#1’s approval was sufficient. NE#1 claimed submitting the documents directly to WE#2 would violate chain of command. Additionally, he admitted to falsely indicating on the form that he conducted a check of his wife’s criminal history prior to the ride along. He excused not doing the check, given his wife’s status as “a criminal justice employee.” Last, NE#1 confirmed he did not give WE#1 a copy of the completed and signed request/waiver after the ride along, as required by policy. He suggested WE#1 should have either reminded NE#1 of that obligation or completed that task himself.

On August 11, 2022, OPA interviewed WE#1. He recalled NE#1’s ride along request. WE#1 did not consider it a “traditional ride along” request. Instead, he described it as a request to assist NE#1 with “a logistical issue,” NE#1 needed his wife’s help transporting a snowmobile sled deck. WE#1 approved NE#1’s request, contingent on NE#1 completing and submitting the ride along paperwork. At that time, WE#1 was unaware the ride along policy changed, elevating authorization from watch commander to captain. He confirmed WE#2 was not included in the approval of NE#1’s request.

On August 29, 2022, OIG fully certified OPA’s investigation as thorough, timely, and objective.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.030 - Ride Along Program 16.030: 8. The Department Sets Guidelines for Observer Conduct and Activities

The Ride Along Program allows an observer to accompany an officer during an assigned shift. (*SPD Manual 16.030*). SPD sees value in allowing a firsthand observation of some daily police operations and looks to provide a safe and informative experience. *Id.* Section 16.030(8) outlines the parameters for ride along participants/observers. It specifically states, “Observers will not ride with an officer with whom they have a significant relationship such as a spouse, domestic partner, or other close relative.”



Here, amendments to the ride along policy went into effect over a year preceding NE#1's request. However, the significant relationship prohibition was longstanding. [See SPD Manual 16.030(II)(C)(2) (effective date: 11/15/07): "An officer may not take anyone (on a ride along) with whom they have a significant domestic relationship. This includes a spouse, domestic partner, and any children."] An employee with NE#1's rank and 21 years of experience should be reasonably familiar with well-settled SPD policies. To his credit, NE#1 did not feign ignorance of the restriction. He admittedly knew the ride along policy restricted employees from hosting spouses when he submitted the March 13, 2022, request on his wife's behalf. Nevertheless, NE#1 sought WE#1, who had no power to approve a ride along let alone veto the restriction, to override that policy to accommodate NE#1's personal dilemma regarding transporting a snowmobile sled deck. Again, an employee with NE#1's rank and experience should have known that was not a viable workaround.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

16.030 - Ride Along Program 16.030-PRO-1 The Ride Along Process

SPD policy 16.030-PRO-1 expressly outlines the steps an employee must take before hosting a ride along. Specifically, the requestor submits Ride Along Request and Waiver form. 7.11. That document is elevated to a precinct or section captain for a decision. The watch or lieutenant forwards the request to the assigned sergeant. The sergeant is responsible for conducting a warrant and criminal history check on the day of the ride along, having the observer sign the request/waiver, and sending a copy of the signed request/waiver to the captain via chain of command after the ride along is completed.

Here, while NE#1 submitted the signed request/waiver form, he failed to secure WE#2's approval, conduct a warrant and criminal history check for the rider, and send a copy of the signed request/waiver to the captain via chain of command after the ride along. As previously noted, the ride along approval process changed on February 1, 2021, a little over a year prior to NE#1's March 13, 2022, request. Previously, "watch lieutenants," like WE#1, were authorized to approve those requests. [See SPD Manual 16.030(IV) (effective date: 11/15/07). Given the infrequency of ride along submissions, relatively new process of requiring captain approval, coupled with the longtime prior practice of watch lieutenant approval, there is insufficient evidence to demonstrate NE#1's failure to strictly comply with the amended process amounted to serious misconduct. A finding of "Not Sustained Training Referral" is appropriate where, "There was a potential, but not willful, violation of policy that does not amount to serious misconduct. The employee's chain of command will provide appropriate training and counseling." OPA Manual (7.2)(A)(iv).

Accordingly, OPA recommends this allegation be Not Sustained- Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 16.030-PRO-1 with NE#1 and provide any further retraining and counseling it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**