



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0282

Issued Date: 09/27/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (8) In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued March 1, 2016)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (6) Standards and Duties: Employees Engaged in Department-Related Activities Identify Themselves When Requested (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee contacted the complainant during a traffic stop.

COMPLAINT

The complainant alleged the Named Employee was unprofessional and did not immediately identify himself as an officer when contacting the complainant. The complainant also alleged the Named Employee appeared to be in a personal vehicle, was not completely dressed in uniform, had a non-uniform jacket covering his badge, did not inform her that she was being cited, and did not answer her when she asked what precinct he worked out of. OPA discovered during intake that the Named Employee's ICV stopped prior to the contact with the complainant in possible violation of SPD policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of the SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that Named Employee #1 was unprofessional in his interaction with her during the stop. However, based on the OPA Director's review of the record, he found no evidence to support this assertion.

Notably, in her OPA complaint, the complainant indicated that she initially stated to Named Employee #1: "do you have some problem with a person changing lanes." When Named Employee #1 told the complainant that she had been in a right turn only lane, the complainant responded: "why the hell do you think I'm trying to change lanes." Even if the complainant was irritated with being stopped for a traffic infraction that she did not think was meritorious, both of these statements were aggressive and hostile. This was consistent with Named Employee #1's description of the complainant's demeanor during the stop. Moreover, Named Employee #1 stated, and the complainant admitted, that she made a profane gesture towards him, which prompted Named Employee #1's decision to make the traffic stop in the first place.

The video that was recorded by the complainant did not provide any evidence that Named Employee #1 acted unprofessionally during their interaction.

The complainant also indicated her frustration with the fact that Named Employee #1 did not notify her that she was going to be issued a citation. While it may have been best practice for Named Employee #1 to do so, the OPA Director did not find that this failure rose to the level of a violation of this policy.

During its intake, OPA discovered that Named Employee #1 might not have properly utilized his ICV as required by SPD Policy 16.090-POL-1(8); however, after further investigation, this allegation was ultimately deemed unfounded.

At the time of the incident, Named Employee #1 was driving a Department "speed van" that was not equipped with ICV. Accordingly, he could not have, and was not obligated to, use ICV to record his interaction with the complainant. Named Employee #1, after the fact, returned to the location of the citation to document the road and traffic conditions on ICV for the purpose of a possible later court proceeding. His usage of his ICV in this regard appeared to have been appropriate and consistent with policy.

SPD Policy 5.001-POL-9 requires SPD employees engaged in Department-related activities to identify themselves, including disclosing their names and serial numbers, when requested. The policy permits officers to provide an individual with a Department business card "to satisfy the request for information." The policy does not require officers to state what precinct they are assigned to. The policy further requires that sworn officers display their badges upon request.

When Named Employee #1 stopped the complainant's vehicle, he was wearing a non-SPD jacket over his uniform. Named Employee #1 explained at his OPA interview that his assignment that day was to utilize an unmarked vehicle to engage in photo enforcement of traffic laws. As such, given the nature of these duties, he wore a non-SPD jacket over his uniform. In her complaint to OPA, the complainant stated that when she asked Named Employee #1 to show her his badge, he opened his jacket and she was able to see it. Similarly, Named Employee #1, at his OPA interview, stated that he displayed his badge upon the complainant's request. In the video recording provided by the complainant, Named Employee #1's badge was visible. The OPA Director noted that, once he made the decision to make the stop and to approach the complainant's vehicle, it would have been advisable for Named Employee #1 to take the jacket off at that point in order to avoid the exact type of situation that occurred here. However, Named Employee #1's actions did not constitute a violation of policy.

The complainant further stated that she requested Named Employee #1 to tell her what precinct he worked at and Named Employee #1 failed to do so. At his OPA interview, Named Employee #1 stated that, in response to the complainant's request, he provided her with his SPD business card. This card contained Named Employee #1's name, serial number, assignment, and work location. The video of her interaction with Named Employee #1 established that the complainant did, in fact, ask what precinct Named Employee #1 worked at and Named Employee #1 did not respond to that statement. However, Named Employee #1 was not required by policy to indicate what precinct he worked at. Moreover, his business card, which he provided to the complainant consistent with policy, contained that information.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1 did not unprofessionally during their interaction. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Allegation #2

A preponderance of the evidence showed that Named Employee #1 could not have, and was not obligated to use ICV to record his interaction with the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *In-Car Video System: Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded.*

Allegation #3

A preponderance of the evidence showed that Named Employee #1 was not required by policy to indicate what precinct he worked at, and that his business card, which he provided to the complainant, contained that information. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Engaged in Department-Related Activities Identify Themselves When Requested.*

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.