



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0596

Issued Date: 03/08/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.230 (13) Issuing Tickets and Traffic Contact Reports: Officers May Detain a Violating Driver for a Reasonable Period of Time (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<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)
	Not Sustained (Training Referral)
Allegation #4	<u>Seattle Police Department Manual</u> 6.220 (9) Voluntary Contacts, Terry Stops & Detentions: Under State Law, Traffic Violations May Not Be Used as a Pretext to Investigate [...] (Policy that was issued August 1, 2015)
OPA Finding	Not Sustained (Unfounded)

Allegation #5	<u>Seattle Police Department Manual</u> 16.230 (2) Issuing Tickets and Traffic Contact Reports: Officers Identify Themselves During all Detentions (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee had multiple contacts with the complainant.

COMPLAINT

The complainant alleged the Named Employee has been unprofessional for several years by parking near her house to watch and harass her, stopping her in her vehicle under pretext, making inappropriate statements in front of her children, failing to identify himself when knocking on her door, and threatening her with CPS referrals in a general harassing manner.

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

Spending 38 minutes to address a possible infraction for overly dark tinted windows could be viewed as excessive. The Named Employee had other violations for which he could have cited the complainant and a warning for this infraction would have sufficed.

The Named Employee reasonably concluded the complainant's actions were a safety hazard and thus issued her citations for her violations within policy and his discretion.

While the Named Employee was polite and professional during his interactions with the complainant, some of his comments to himself and other officers heard on ICV could be perceived as indicating he had personally targeted the complainant for some reason.

The complainant was known to the Named Employee and he wrote violations to the complainant that he wrote to other people. While the Named Employee did not issue many window tint citations, that was only because he did not have a tint meter.

The preponderance of the evidence showed that the Named Employee did not identify himself consistently during his several traffic stops on the complainant. Training referral should focus on this policy requirement.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Issuing Tickets and Traffic Contact Reports: Officers May Detain a Violating Driver for a Reasonable Period of Time*.

Required Training: The Named Employee's supervisor should discuss and document with the Named Employee the need to limit detentions to a reasonable period of time given the reason for the detention and the totality of the circumstances.

Allegation #2

A preponderance of the evidence showed that the Named Employee issued the citations within policy and his discretion. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards and Duties: Employees May Use Discretion*.

Allegation #3

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Required Training: The Named Employee should be reminded of the importance of remaining professional at all times.

Allegation #4

A preponderance of the evidence showed that the complainant was known to the Named Employee and he wrote violations to the complainant that he wrote to other people. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Voluntary Contacts, Terry Stops & Detentions: Under State Law, Traffic Violations May Not Be Used as a Pretext to Investigate [...]*

Allegation #5

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Issuing Tickets and Traffic Contact Reports: Officers Identify Themselves During all Detentions*.

Required Training: The Named Employee did not identify himself during his contacts with the complainant as early as he should have. Even if the Named Employee has interacted with a person in the past, he should be counseled to comply with policy and identify himself at the beginning of each traffic contact unless he can articulate specific reasons why that is not safe or feasible.

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.