



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0413

Issued Date: 11/02/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.230 (3) Issuing Tickets and Traffic Contact Reports: Officers Document All Traffic Stops (Policy that was issued December 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee stopped the complainant, who was riding a bicycle.

COMPLAINT

The complainant alleged that Named Employee #1 stepped in front of her and grabbed onto her bike "without cause or explanation." The complainant believed that Named Employee #1's actions were disrespectful and showed a lack of concern for her safety. OPA Intake found no record of Named Employee #1 documenting this traffic stop in potential violation of policy.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that she was biking when she was improperly stopped by Named Employee #1. She claimed that she was riding her bicycle in the bike lane and noticed that the lane was blocked in front of her. She began moving towards the shared traffic lane. When she was doing so, Named Employee #1 stepped in front of her and stopped her bike with his hands. The complainant stated that she was stopped in a lane of active traffic, which concerned her. Named Employee #1 told the complainant that she should be riding in a bike lane and, in response, the complainant told Named Employee #1 to let her go. Named Employee #1 then demanded the complainant's identification, but she told him she did not have it. He then threatened to cite her for not riding in the bike lane and for not wearing her helmet. When the complainant asked for Named Employee #1's identification, he let her go without further action.

Named Employee #1 told a different story. He claimed that he was working off duty at a construction site when he observed the complainant riding down the bike lane towards the site. The bike lane was closed in front of the complainant; however, she rode around a sign and attempted to continue onto the bike lane. Named Employee #1 stepped in front of her to stop her. Named Employee #1's actions at that point were based primarily on a concern for the complainant's safety were she to drive through the construction. Named Employee #1 told the complainant that the portion of the bike lane was closed and instructed her that she was required to wear a helmet when biking. The complainant stated that she did not know why she was being stopped, and Named Employee #1 reiterated the reasons. Named Employee #1 noted that the complainant was staring at his name plate and offered to write down his name. He wrote his name on his business card and gave it to the complainant. She then rode her bike away. When she was doing so, Named Employee #1 told her that she was supposed to provide him with her identification, but she did not do so.

SPD Policy 16.230-POL-1 requires that officers document all traffic stops using: a Notice of Infraction (NOI) for civil infractions; a criminal citation for criminal traffic offenses; or a Traffic Contact Report (TCR) for traffic infraction warnings.

Here, even though Named Employee #1 admittedly stopped the complainant, he used none of the above forms to document that contact. From a review of the facts, there was no basis for Named Employee #1 to issue the complainant a criminal citation. Thus, that he did not do so was not a violation of policy. Based on his description of the events, Named Employee #1 could have, and probably should have, issued the complainant a Traffic Contact Report (TCR). In describing why he did not do so, Named Employee #1 stated that as he was working off-duty he was not required to issue the TCR under policy. While Named Employee #1 was technically correct, he certainly had the discretion to do so. That left a Notice of Infraction (NOI). Here, Named Employee #1 stated that he observed the complainant biking without a helmet, which was a violation of Seattle law. As such, based on his account, a NOI would have been appropriate.

Named Employee #1's reasoning why he did not document this traffic stop appeared to be twofold: (1) he was working off duty; and (2) his actions constituted community caretaking rather than a formal stop so no documentation was required. However, the first explanation would only apply to a TCR and the second explanation was undercut by Named Employee #1's own statement that he told the complainant that she was required to provide him with identification.

Moreover, the complainant clearly did not agree with Named Employee #1's characterization of their interaction as she found the stop to be unsafe and unprofessional. These types of scenarios and later disputes demonstrate why documentation of these types of stops is so important. While the OPA Director did not think Named Employee #1's conduct in this regard necessarily rose to the level of a policy violation, he did believe it warranted a training referral and counseling from the Named Employee's chain of command.

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 Document All Traffic Stops*.

Training Referral: Named Employee #1 should receive additional training as to when documentation must be generated during a traffic stop and what documentation he is required to complete. Named Employee #1 should be further instructed that if he conducts a traffic stop while off duty and chooses not to issue a TCR, he is then required to issue either a criminal citation or a NOI.

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.