



## OFFICE OF POLICE ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0659

Issued Date: 03/02/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In-Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (10) Standards and Duties: Employees Shall Be Truthful and Complete in All Communications (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
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)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee and the complainant had an interaction at the complainant's residence.

## **COMPLAINT**

The complainant alleged that the Named Employee was unprofessional in her interaction with him and that she took a 1.5-hour lunch with other individuals, during which those individuals smoked marijuana. During OPA intake, it was discovered that the Named Employee logged to an on-view suspicious call and did not activate her In-Car Video (ICV), and no ICV was located despite the Named Employee's update stating that ICV was used.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memo
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**

When asked why she did not activate her ICV during the incident, Named Employee #1 first asserted that she was not required to activate ICV when logging to a "premise," as law enforcement action was not necessarily being taken. In response to OPA's query regarding why she did not activate her ICV when she changed the "premise" to "suspicious," Named Employee #1 stated that, at that time, she had already completed the discussion with her friend about her relationship with the complainant and received her request for a report. She did not intend to take any further action and planned to eat her lunch.

SPD Policy 16.090-6 requires that employees record police activity. The policy sets forth specific activity that must be recorded, including "criminal activity" and "questioning suspects or witnesses." Once information was received concerning possible criminal activity, the request for a report was received, and the call was changed to "suspicious," Named Employee #1 should have activated her ICV. This was particularly the case given that Named Employee #1 did not ultimately generate a general offense report due to the appearance of potential retaliation against the complainant. Had this incident been memorialized on ICV, either before or simultaneous to the complainant making his complaint concerning Named Employee #1, no such questions could have been raised. While the failure to activate ICV was arguably only a technical violation of policy and while her explanation for her actions was not necessarily unreasonable, the OPA Director did not believe that Named Employee #1 adhered to best practices in this instance.

The dishonesty allegation appeared to have been based on the following allegations: that Named Employee #1 ate a 1.5-hour lunch, while reporting only a 30-minute lunch; that Named Employee #1 logged herself to a "premise" and "suspicious" right before her lunch break, which could have been an improper attempt to extend her lunch; and that Named Employee #1

indicated in the Computer Aided Dispatch (CAD) update that she used her ICV when she did not actually do so.

First, based on the OPA Director's review of the record, he found that Named Employee #1 did not take a 1.5-hour lunch. Her log suggested that her lunch lasted for just around 30 minutes. Even if the time from when she logged to a "premise" was added to her lunch, it still would have been well under 1.5 hours.

Second, with regard to Named Employee #1's explanation of why she logged to a "premise," the OPA Director did not know whether this was, in fact, the practice of her squad or, for that matter, the practice of officers throughout the Department. It did appear that the time logged by Named Employee #1 from 16:39 hours to 16:59 hours would not have been spent engaging in law enforcement activity had it not been for the coincidental interaction that she had with the complainant. As such, it would have practically been an extension of Named Employee #1's lunch break from 30 minutes to 50 minutes. The OPA Director did not discount that 30 minutes was not a particularly long time for lunch and that it would have been undesirable to be dispatched while waiting for food to be prepared. Moreover, officers, like any other employee in any other line of work, are not expected to be perfect timekeepers and to never take longer than 30 minutes for lunch. However, SPD may want to look at the practice of logging to a premise when no law enforcement activity is actually being performed, in order to determine whether this conduct is consistent with the Department's expectations. Regardless, the OPA Director certainly did not think that Named Employee #1 was being deliberately dishonest in her actions.

Third and last, the OPA Director found no evidence suggesting that the CAD update wherein Named Employee #1 indicated that she had used ICV was anything other than a simple error. He did not believe that she was being dishonest.

Based on the OPA Director's review of the evidence, he did not find that Named Employee #1 engaged in unprofessional behavior in violation of policy. Unfortunately, when she arrived at her friend's residence, she was placed in a confrontational situation with the complainant. While Named Employee #1 admittedly used an authoritative tone, the OPA Director did not find that the words she used were unprofessional. Further, even if she put her hand on her holster, that would not cause her behavior to be unprofessional without more.

## **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 *In-Car Video System: Employees Will Record Police Activity*.

**Recommended Training:** Named Employee #1 should re-trained by her chain of command concerning when she is required to activate her ICV.

Allegation #2

A preponderance of the evidence showed that the Named Employee was not being dishonest. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Be Truthful and Complete in All Communications.*

Allegation #3

A preponderance of the evidence showed that the Named Employee did not engage in unprofessional behavior in violation of policy. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

*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.*