



## **CLOSED CASE SUMMARY**

ISSUED DATE: JUNE 30, 2019

CASE NUMBER: 2019OPA-0060

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

<b>Allegation(s):</b>		<b>Director’s Findings</b>
# 1	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Not Sustained (Training Referral)
# 2	16.230 - Issuing Tickets and Traffic Contact Reports 2. Officers Identify Themselves During all Detentions	Not Sustained (Inconclusive)
# 3	16.230 - Issuing Tickets and Traffic Contact Reports 3. Officers Document All Traffic Stops	Not Sustained (Training Referral)

***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:**

The Complainant alleged that the Named Employee did not identify himself during a traffic stop, as well as that the Complainant did not receive a copy of the citation for that stop, even though the Named Employee stated that it would be issued. Based on its intake investigation, OPA further determined that the Named Employee failed to record Body Worn Video and did not document the lack of the recording as required by policy.

### **ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

***16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity***

This case concerns the traffic stop of the Complainant’s vehicle by Named Employee #1 (NE#1). The Complainant asserted that NE#1 did not identify himself during the stop or provide him with documentation of the infraction.

During its intake investigation, OPA determined that NE#1 had no Body Worn Video for this stop. In addition, while the stop, which was brief, was recorded on In-Car Video (ICV), the ICV did not capture the audio of the discussion between NE#1 and the Complainant.

At his OPA interview, NE#1 did not conclusively know why he did not record BWV during this incident. He told OPA that, around the time of this incident, he was working long shifts (14-16 hours) and that he may have brought his BWV home with him and left the power on overnight by accident. As a result, the BWV would not have charged and would have been inoperable the next day. OPA found no documentation of issues with NE#1’s BWV in the CAD Call Log or in any other report.



---

SPD Policy 16.090-POL-1(5) concerns when Department employees are required to record police activity. SPD Policy 16.090-POL-1(5)(b) sets forth the categories of activity that must be recorded, which includes traffic stops. SPD Policy 16.090-POL-1(7) further requires that Department employees document the existence of video or the reason for the lack of video. Officers are mandated to note the failure to record in an update to the CAD Call Log, as well as to provide an explanation for the lack of a recording in an appropriate report. (SPD Policy 16.090-POL-1(7).)

Based on its review of the evidence, OPA credits NE#1's account concerning why he did not record BWV during this incident. However, even under his recitation of events, he was required to document the lack of BWV. The failure to do so, particularly where he would have known if his BWV was uncharged and not recording, was contrary to policy. However, given the specific facts of this case, I recommend that NE#1 receive the below Training Referral rather than a Sustained finding.

- **Training Referral:** NE#1 should be reminded that he is required to record Body Worn Video during traffic stops. NE#1 should also be counseled concerning the direction in SPD Policy 16.090-POL-1(7) that, where he does not record, he documents the lack of a recording in an update to the CAD Call Log and in an appropriate report. This counseling and any associated retraining should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

**Named Employee #1 - Allegation #2**

***16.230 - Issuing Tickets and Traffic Contact Reports 2. Officers Identify Themselves During all Detentions***

SPD Policy 16.230-POL-2 requires officers to identify themselves during traffic stops. The Complainant contended that NE#1 did not do so during the traffic stop at issue here. NE#1 told OPA that he always identified himself during traffic stops and that he had no reason to believe that he did not do so in this case.

As discussed above, there is no BWV of this incident. Moreover, while NE#1 recorded ICV, the ICV did not capture audio of his statements to the Complainant. Accordingly, there is a dispute of fact between NE#1 and the Complainant as to whether or not NE#1 acted in compliance with this policy during the traffic stop. Given this, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**

**Named Employee #1 - Allegation #3**

***16.230 - Issuing Tickets and Traffic Contact Reports 3. Officers Document All Traffic Stops***

As discussed above, the Complainant asserted that, while he was stopped by NE#1 for speeding, he was never provided with any documentation regarding the infraction. Based on that complaint, OPA conducted an intake investigation, which involved sending NE#1 a contractual notice of complaint. After he received that complaint, NE#1 entered the SECTOR system and determined that no citation had been issued. NE#1 then wrote a citation, voided it, and also wrote a Traffic Contact Report. He further noted in SECTOR: "Sector/Coban issues at time of contact. TCR completed. Violator informed that cite would be mailed by Shorelibe (sic) court, but time delay too



---

significant to follow through with issuance.” NE#1 did not contact the Complainant to let him know that the citation had not been issued and was now voided.

SPD Policy 16.230-POL-3 instructs that officers document all traffic stops. Here, NE#1 failed to document the traffic stop in question. NE#1 contended that this was due to SECTOR-related issues that he was having. During its investigation, OPA was able to verify that this explanation is plausible. NE#1 stated that he intended to later complete the citation and that he took screen captures of the Complainant’s license and registration in order to facilitate doing so. However, he ultimately forgot to complete the citation.

Based on OPA’s investigation, it is clear that NE#1 made a mistake when he failed to complete the citation. This was not, in OPA’s opinion, misconduct that warrants a Sustained finding. That being said, the failure to provide the citation appeared to be concerning and stressful for the Complainant, who spent time and effort contacting the Seattle Municipal Court to determine whether the citation existed with no success. Moreover, had NE#1 contacted the Complainant after realizing that no citation had been issued and informed him of this matter, it is likely that this case would not have proceeded through a full investigation.

Ultimately, given the above, I recommend that NE#1 receive the below Training Referral.

- **Training Referral:** NE#1 should be reminded by his chain of command to complete citations and Traffic Contact Reports when appropriate and even when there are SECTOR-related malfunctions that prevent the usage of that system. NE#1’s chain of command should further discuss with him the decision to not contact the Complainant after determining the issues with the citation and whether this was consistent with the chain of command’s expectations. This counseling and any associated retraining should be documented, and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**