



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0173

Issued Date: 08/20/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 9.020 (2) Uniform: Officers shall not wear uniform items that are not located in the URC without written permission from the Chief of Police (Policy that was issued 01/20/13)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Positioning of Car or Camera to Record Police Activity (Policy that was issued 02/01/15)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (10) In Car Video System: Employees Will Turn Off the AM/FM Vehicle Radio During ICV Recordings (Policy that was issued 02/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

While working on traffic enforcement patrol on his police motorcycle, named employee #1 attempted to pull over the complainant. The complainant did not immediately pull over and called 911 because he did not believe that the named employee was a Seattle Police Officer as he did not recognize the uniform. The complainant was told that the motorcycle officer was indeed a Seattle Police Officer and that he should obey his instructions to pull over. Named employee #1 requested back up for the traffic stop. Named employee #2 responded and captured the interaction on his In-Car Video.

COMPLAINT

The complainant alleged that named employee #1 was unprofessional in his interaction with him and that named employee attempted to hit his car with the named employee's motorcycle.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Review of the 911 call
4. Review off the In-Car Video
5. Search for and review of all relevant records and other evidence
6. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that named employee #1 was professional in his interaction with the complainant and there is no evidence to show that there was any contact between the police motorcycle and the complainant's vehicle. The evidence also showed that named employee #1 was appropriately dressed in his department approved rain gear in order to be riding a police motorcycle in the inclement weather. Named employee #2 did turn on his In-Car Video to capture the interaction of the traffic stop. However, the audio was difficult to hear due to loud music being played inside of the patrol car. The positioning of named employee #2's patrol car could have been better to capture more of the incident.

FINDINGS

Named Employee #1

Allegation #1

There preponderance of the evidence showed that the named employee was professional in his conduct and that he did not nearly strike the complainant's vehicle with his police motorcycle. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism*.

Allegation #2

The weight of the evidence showed that the named employee was appropriately attired for inclement weather in department approved rain gear. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Uniform: Officers shall not wear uniform items that are not located in the URC without written permission from the Chief of Police.*

Named Employee #2

Allegation #1

The evidence showed that the named employee could have positioned his vehicle to better capture more of the incident. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In Car Video System: Positioning of Car or Camera to Record Police Activity.*

Allegation #2

The evidence showed that the named employee failed to turn down his car radio so that the In-Car Video could be clearly recorded. Therefore a finding of **Not Sustained** (Training Referral) was issued for *In Car Video System: Employees Will Turn Off the AM/FM Vehicle Radio During ICV Recordings.*

These Training Referrals will allow the immediate supervisor to a conduct on-on-one review of the In-Car Video policy with named employee #2.

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.