



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 30, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0132

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.100 - Operations Bureau Individual Responsibilities 2. Monitor and take appropriate action regarding criminal activity in assigned area	Sustained
# 2	16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity	Allegation Removed
# 3	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Allegation Removed

Imposed Discipline

Written Reprimand

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, a department supervisor, alleged multiple violations of SPD policies on the part of Named Employee #1 (NE#1). First, NE#1 was alleged to have failed to activate her In Car Video. While NE#1 activated her Body Worn Video (BWV), it was not activated prior to her arrival on the call and NE#1 did not notify the subject of the recording. NE#1 was also alleged to have mishandled the investigation into this incident. Notably, an individual matching the suspect description was located by other officers; however, NE#1 said that the suspect did not match the description and asserted that the reporting party did not want anything done. NE#1’s statement that the individual did not match the suspect description was incorrect. The victim also indicated that he was, in fact, interested in pursuing the matter. The individual was later released at the scene on the direction of NE#1 despite the individual being the correct suspect. Lastly, NE#1 was also alleged to have been unprofessional when she referred to the requirements of the trespass admonishment program as “annoying” and when she described the reporting party “old” and, thus, not technologically savvy to fellow officers.

ADMINISTRATIVE NOTE:

OPA asked NE#1 if she would like to process her case under Rapid Adjudication (RA). RA is provided for in the Seattle Police Officers’ Guild’s collective bargaining agreement (CBA) with the City. It allows for employees to recognize that



their conduct was inconsistent with Department policies and standards, and to accept discipline for the policy violation rather than undergoing a full OPA investigation.

After reviewing the complaint and completing its intake investigation, OPA determined this case could be appropriate for resolution by RA. However, before proceeding with its recommendation, OPA sought the Office of Inspector General's (OIG) input. The OIG concurred with the OPA's determination. Consistent with the procedure in the CBA, OPA forwarded to the Chief of Police its recommended disposition and proposed discipline in the form of a written reprimand. The Chief of Police concurred with OPA's recommended findings and proposed discipline. NE#1 also agreed to the discipline and, in doing so, stipulated that the finding and discipline were final and could not be appealed or otherwise later disputed.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.100 - Operations Bureau Individual Responsibilities 2. Monitor and take appropriate action regarding criminal activity in assigned area

SPD Policy 5.100(I)(A) requires that officers' performance meet certain standards. This includes that they: "Monitor and take appropriate action regarding criminal activity in assigned area"; "Maintain close contact with the community"; "Display...necessary interpersonal skills..."; "Demonstrate consistent work habits which reflect a high standard of performance and initiative"; and "Remain professional at all times."

The failures of NE#1 as identified by the reporting supervisor and as detailed above were in violation of SPD policy. By agreeing to proceed with RA, NE#1 recognized that her actions, including her lack of a complete investigation, her failure to activate ICV, and her statements, violated SPD Policy 5.100(2). OPA appreciates and commends NE#1 for taking accountability for this incident and for agreeing to RA. OPA accordingly recommends this allegation be Sustained – Rapid Adjudication. This finding is both final and binding.

Recommended Finding: **Rapid Adjudication - Sustained**

Named Employee #1 - Allegations #2

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

As a result of RA being agreed to and applied to NE#1's actions in the context of Allegation #1, the remaining allegations in this case were removed.

Recommended Finding: **Allegation Removed**

Named Employee #1 - Allegations #3

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional



As a result of RA being agreed to and applied to NE#1's actions in the context of Allegation #1, the remaining allegations in this case were removed.

Recommended Finding: **Allegation Removed**