



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0160

Issued Date: 03/16/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 13.030 (4) Emergency Vehicle Operations: Officers Are Responsible for the Safe Operation of Their Police Vehicle (Policy that was issued November 21, 2012)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued February 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee was dispatched to a theft call.

#### **COMPLAINT**

The complainant alleged the Named Employee was driving uncourtously and dangerously when the Named Employee failed to slow down at the Burke Gilman trail crossing, tailgated a truck in front of them, and didn't stop for two pedestrians in a crosswalk. During a review of this complaint, OPA added the allegation of failing to activate In-Car Video (ICV).

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Review of In-Car Videos (ICVs)
3. Search for and review of all relevant records and other evidence\
4. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The preponderance of the evidence indicated that the Named Employee was driving his vehicle within the speed limit and drove in a manner consistent with the rules of the road in the location where the incident occurred.

The effective policy at the time this incident occurred required the Named Employee to activate his ICV “when the officer begins traveling to the call.” Less than three weeks after this incident, the policy changed so officers were required to start their ICV “before the employee arrives on the call.” The Named Employee told OPA he was 25 blocks and an extended time away from the call when first dispatched and did activate the ICV on the way to the call. While it was clear the Named Employee did not turn on the ICV immediately after being dispatched, it was also clear the employee activated the ICV before arriving at the incident.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

A preponderance of the evidence showed that the Named Employee did not violate policy. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Emergency Vehicle Operations: Officers Are Responsible for the Safe Operation of Their Police Vehicle*.

#### **Allegation #2**

A preponderance of the evidence showed that the Named Employee’s actions would have been in compliance with policy had they taken place three weeks later, and that the Named Employee did record all of his activities after arriving on scene. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *In Car Video System: Employees Will Record Police Activity*.

*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.*