



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0322

Issued Date: 10/02/2017

Named Employee #1	
Allegation #1	<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	Sustained
Final Discipline	Had the Named Employee not retired from service, discipline would have been imposed.

INCIDENT SYNOPSIS

The complainant approached the Named Employee regarding a parking citation.

COMPLAINT

The complainant stated that she came out of her office to find the Named Employee citing her vehicle. The complainant approached the Named Employee to show her she had paid for parking. According to the complainant, the Named Employee made an unprofessional comment to the complainant. The Named Employee then voided the citation and walked away. The complainant followed the Named Employee and began recording the incident at this point wanting to know if she had heard the comment correctly. The complainant then captured the Named Employee making contact with the phone in the complainant's hand.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of external video footage
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

Manual Policy 5.001(9) requires SPD employees to be professional at all times and prohibits the unnecessary escalation of events, even where those events do not result in a use of force. The policy further proscribes officers from “engag[ing] in behavior that undermines trust in the Department, the officer, or other officers.” Lastly, the policy precludes officers from using “profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful towards any person.”

The complainant and Named Employee #1 largely disputed the nature and substance of their interaction. The complainant alleged that Named Employee #1 called her a “shit-head.” Named Employee #1 indicated that she instead, in response to the complainant’s assertion that Named Employee #1 was having a “shitty day,” twice stated that she was not having a “shitty day.” The complainant further alleged that, while she was recording Named Employee #1 on her phone, Named Employee #1 turned around and lashed out at her, striking the complainant’s hand and phone.

The security video of the incident showed Named Employee #1 and the complainant involved in an ongoing interaction while the complainant was following and recording Named Employee #1. As this security video did not have any audio, it did not shed light on the substance of the conversation between Named Employee #1 and the complainant. The security video did, however, capture Named Employee #1 making physical contact with the complainant’s phone and hand.

The video recorded by the complainant also captured, both visually and audibly, Named Employee #1 striking the complainant. Prior to her lashing out at the complainant, Named Employee #1 appeared to state “get away,” and, after being struck, the complainant stated, “don’t touch me.” However, the video did not capture any other conversation between the two, including the disputed comments.

The OPA Director could not conclusively determine, based on the evidence, whether Named Employee #1 called the complainant a “shit-head.” If she had, it certainly would have been in violation of policy. Regardless, the OPA Director found that, even under Named Employee #1’s account, her conduct fell below the Department’s expectation of professionalism for its employees. As indicated above, the surveillance video clearly indicated that Named Employee

#1 had an ongoing verbal interaction with the complainant. Were the complainant being verbally abusive to Named Employee #1, Named Employee #1 should have walked away. She should not have engaged with the complainant and twice repeated the “shitty day” comment.

Further, Named Employee #1’s actions in striking the complainant’s hand and her phone were unprofessional. The complainant had a right to video record Named Employee #1’s actions. If Named Employee #1 did not want to be videotaped she could have and should have simply walked away. Instead, Named Employee #1 displayed a significant lack of judgment by physically striking the complainant. This was unacceptable and was contrary to SPD policy.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1’s conduct fell below the Department’s expectation of professionalism for its employees. Therefore **Sustained** finding was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Discipline Imposed: Had the Named Employee not retired from service, discipline would have been imposed.

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.