



## CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 13, 2019

CASE NUMBER: 2019OPA-0143

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	16.130 - Sick and Injured Persons - 1. Employees Assist Sick & Injured Persons	Not Sustained (Lawful and Proper)

*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:

Complainant alleged that the Named Employee failed to call for medical attention for her after the Complainant was involved in a vehicle collision.

### ANALYSIS AND CONCLUSIONS:

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

#### ***16.130 - Sick and Injured Persons - 1. Employees Assist Sick & Injured Persons***

The Complainant reported to OPA that she was involved in a vehicle accident and, as a result of that incident, was arrested for DUI. The Complainant claimed that she suffered a shoulder injury from the accident, and she alleged that neither Named Employee #1 (NE#1) nor anyone else from SPD ever asked her if she needed medical attention. The Complainant told OPA that she sustained a broken shoulder bone and that still suffers from pain due to this injury. The Complainant stated that she took an Uber home after she was released from the precinct and said that she was in agony for a day and a half, not realizing that she had a broken bone. The Complainant believed that NE#1 failed to do his job when he did not seek medical attention for her.

According to the reports generated concerning this incident, NE#1 responded to a call of a three-vehicle collision. NE#1 contacted the Complainant, who was the driver of one of the vehicles, and initiated a DUI investigation. The investigation resulted in the Complainant’s arrest for DUI. NE#1 documented that he asked the Complainant if she could unlock the door to her vehicle and that the Complainant replied that, while she could do so, her arm was hurt. NE#1 reported that he asked the Complainant if her arm hurt because of the collision but that she stated that the injury was unrelated. NE#1 noted that the Complainant declined medical aid after it was offered to her. The arrest report indicated that the Complainant’s airbags did not deploy during the accident and that there were no injuries associated with the accident.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) of this incident. The BWV was consistent with the report generated by NE#1. Notably, the BWV established that NE#1 specifically asked about the Complainant’s arm after she told him that it hurt. NE#1 asked her if the injury was: “from the accident?” The Complainant responded: “No, not an accident. No, I just have a bad arm.” NE#1 followed up by asking if she needed to see the

Seattle Fire Department (SFD) for anything and she replied: “No, I’m ok.” As a result of the Complainant’s statements, NE#1 did not summon medical providers to the scene to treat her.

SPD Policy 16.130-POL-1 concerns the obligation of Department employees to assist sick and injured persons. The policy requires that: “Employees assisting a sick and/or injured person will attempt to determine the nature and cause of the person’s injury or illness, provide first aid, and initiate Emergency Medical Services (EMS) as needed.”

From OPA’s review of the evidence – most notably, the BWV, NE#1 addressed the Complainant’s claim of injury and asked questions to determine whether it was the result of the accident. The Complainant said that it was not. NE#1 also specifically asked the Complainant whether she needed SFD to respond to the scene to treat her and the Complainant responded that she did not. As such, NE#1 did not violate policy when he did not summon SFD to the scene. For these reasons, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**