



# Seattle Police Department Policy Manual



## **5.002 - Responsibilities of Employees Concerning Alleged Policy Violations**

Effective Date: 07/15/2018

### **5.002-POL**

This policy applies to the reporting of alleged policy violations identified by the public, employees of the Department, or others and related investigations by the Department and OPA.

The purpose of this policy and the related procedures is to provide a prompt, just, and open disposition of allegations of policy violation regarding the conduct of employees.

#### **1. The Department Will Accept Allegations of Policy Violations from Any Source and by Any Means**

#### **2. Employees Will Assist Any Person Who Wishes to File a Complaint**

In addition to obligations that may arise under other parts of this manual (e.g., [See 5.140-Bias-Free Policing](#)-6, 7) employees will assist the complainant by taking the complaint and passing it on to a supervisor or OPA (see also 6 below).

If the complainant requests information on where and how to file the allegation, the employee will provide it. However, the employee is still responsible for passing the complaint on to a supervisor or OPA.

If the employee is unable to take the complaint (e.g., the allegation is made during a demonstration while the employee is on a line, etc.), while not interfering or compromising public safety interests, the employee will provide specific information to the complainant on where and how to file the allegation.

#### **3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or**

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## Cooperating with an Investigation of an Allegation of a Policy Violation

### 4. Retaliation Is Prohibited

No employee will retaliate against any person who:

- Exercises a constitutional right
- Records an incident, including videotaping and photographing
- Makes a public disclosure request
- Publicly criticizes an SPD employee or the Department
- Initiates litigation
- Opposes any practice reasonably believed to be unlawful or in a violation of Department policy
- Files a complaint or provides testimony or information related to an allegation of policy violations, including but not limited to complaints made OPA, Human Resources, or the EEO Investigator
- Provides testimony or information for any other administrative criminal or civil proceeding involving the Department or a Department employee
- Files a whistle-blower claim pursuant to Seattle Municipal Code
- Communicates an intent to engage in the above-described activities
- Otherwise engages in lawful behavior

Retaliation includes discouragement, intimidation, coercion, or undertaking any adverse action against any person because the person engaged in any of the activity set forth above. This prohibition specifically includes interference with any administrative, civil, or criminal investigation.

Retaliation may constitute independent grounds for discipline, up to and including termination.

### 5. Supervisors Will Investigate or Refer Allegations of Policy Violations Depending on the Severity of the Violation

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a. All allegations of serious policy violations will be referred to OPA for investigation.

The following are serious policy violations that must be referred to OPA:

- Unnecessary, unreasonable, or disproportionate use of force
- Biased policing, including use of language that is derogatory based on an individual's sex, race, ethnicity, religion, homeless status, or other protected class.

**Exception:** Supervisors will not report an allegation of biased policing directly to OPA in those circumstances where a Bias Review Blue Team Entry is appropriate under 5.140-POL-6 and 5.140-POL-7.

[See 5.140-Bias-Free Policing](#), sections 6 & 7.

- Any other violation of SPD policy that may violate a suspect/person's constitutional rights to freedom of speech, to the free exercise of religion, to peaceably assemble, to due process of law, and to be secure against unreasonable search and seizure
- Violations of law enforcement authority
- Failure to use ICV when required
- Failure to report serious policy violations to OPA
- Violations of any policy that are intentional or reckless
- Serious neglect of duty
- Insubordination
- Potential criminal violations of law
- Failure to fully cooperate in an internal investigation
- Dishonesty
- Misuse of authority, conflicts of interest, or improper use of position for personal gain
- Repeated minor policy violations

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b. If the severity of the violation is unclear, the lieutenant or civilian equivalent will consult OPA.

The level of seriousness of an alleged policy violation is sometimes contingent upon the specific facts of an incident. The Department recognizes that even some minor violations may raise concerns of public trust and warrant a referral to OPA. Employees should consider the totality of the circumstances when determining the level of seriousness of an alleged policy violation, apply common sense, and consult with an OPA lieutenant or above if uncertain.

c. Minor policy violations (allegations of policy violations that do not rise to the level of "serious") must still be investigated by the chain of command.

Supervisors who witness, have reason to believe, or receive an allegation of a minor policy violation are expected to address the violation as they deem appropriate.

Supervisors also have the discretion to refer allegations of even minor policy violations to OPA for investigation where they deem it appropriate.

Allegations of minor policy violations may include administrative, procedural, or technical violations of SPD policies that are unrelated to:

- (1) The use of force,
- (2) Exercise of law enforcement authority, and/or
- (3) The list of serious offenses outlined above or issues involving similarly serious potential violations.

Example of allegations of minor policy violations include, but are not limited to:

- Force reporting timeline violations

**Exception:** Willful violations of the force reporting timelines must be considered serious violations of policy and referred to OPA

- Failure to perform a system checks on ICV/BWV equipment that causes no failure to record officer actions

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- Failure to seatbelt subjects who are being transported by an officer in a seatbelt equipped Department vehicle or during performing official duties where the detainee is not injured as the result of not being secured.
  - Failure to identify tactical issues or document deficiencies in the use of force packet
  - Failure to turn off the vehicle's AM/FM radio when the ICV is engaged
  - Engaging in law enforcement related secondary employment without a valid secondary work permit on file with the Department
  - Minor Rudeness (absent bias)
  - Traffic and parking infractions
  - Profanity not directed as an insult
  - Employee tardiness
  - Uniform, equipment, and personal appearance
  - Failure to attend and/or complete required training (including mandatory e-Learning modules on Cornerstone) for which the employee is registered, unless the failure is:
    - Unjustified and/or
    - The employee fails to provide reasonable advance notice he or she will not attend a scheduled training
- (Supervisors may contact the Cornerstone lieutenant in ETS to research an employee's previous instances of missed training.)
- Failure of a supervisor to register employees for training, except when that failure results in the employees missing the opportunity to attend training

## **6. Employees Will Report Alleged Violations**

Employees will report any alleged minor policy violation to a supervisor.

Employees will report any alleged serious violations to a supervisor or directly to OPA.

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For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported.

Employees who witness or learn of a violation of public trust or an allegation of a violation of public trust will take action to prevent aggravation of the incident or loss of evidence that could prove or disprove the allegation.

Any employee who observes another employee engaged in dangerous or criminal conduct or abuse will take reasonable action to intervene.

## **7. Employees Will Avoid Conflicts of Interest Regarding Allegations of Policy Violation**

Employees' duty to avoid and disclose actual, potential, or apparent conflicts of interest (See [5.001-Standards and Duties](#)) extends to the allegation process.

If a supervisor is the subject of an allegation of policy violation, the employee receiving the allegation will refer the allegation to the next highest-level employee in the supervisor's chain of command.

If the subject of the allegation of policy violation is assigned to OPA, the employee receiving the report will forward the allegation to the OPA Director.

If the subject of the allegation of policy violation is the OPA Director, the allegation will be forwarded to the City Human Resources Director.

## **8. Employees Will Report Certain Events**

Employees will report to their supervisor, in writing, as soon as practical (and before the start of their next work shift) any of these circumstances in any jurisdiction:

- They are the subject, or they believe they may be the subject of a criminal investigation, criminal traffic citation, arrest, or conviction
- They are the respondent of an order of protection, restraining order, no contact order, anti-harassment order

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- Their Washington driver license is expired, suspended, revoked, or restricted, for example, with an ignition interlock driver license

## 9. The [OPA Manual](#) Sets Forth OPA Procedures

## 10. OPA May Choose to Investigate Any Alleged Policy Violation

If a supervisor is informed that OPA is taking over an investigation, the supervisor will cease their investigation.

## 11. Employees Will Cooperate with Department Internal Investigations

Employees will truthfully answer all questions, render complete, comprehensive statements, and promptly provide all available material related to investigations of alleged policy violations. The statements will include all material facts and circumstances surrounding the subject matter of the investigation, which are known by the employee. Omissions of material facts known by the employee will be a failure to cooperate in an internal investigation.

## 12. OPA Maintains a Record of all Allegations Referred

All allegations of policy violations and any files related to these allegations will be secured within OPA offices for a period of time consistent with the Department's record retention policies.

## 5.002-TSK-1 Employee Reporting of Serious Policy Violations

When any employee is referring an allegation of serious policy violations to OPA, the employee:

1. **Provides** all of the following information to OPA, if possible:
  - The nature, date, and place of occurrence of the alleged incident
  - Name of employee involved or their serial number and other description
  - Name, address, and telephone number of the complainant, aggrieved party, and all known witnesses
  - A detailed summary of the allegation

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- Information about perishable and other known evidence, including video recordings
- Whether the investigation presents any actual, potential, or apparent conflicts of interest

2. **Assembles** any supporting documentation.

3. **Documents** the allegation on a Complaint Blue Team entry and forwards the entry to OPA via the chain of command.

**Exception:** If the employee named in the allegation is assigned to OPA, the allegation is sent directly to the OPA Director.

**Exception:** If the allegation involves the chain of command and the employee does not want it to be viewed by the chain of command, the employee may forward it directly to an OPA lieutenant.

**Exception:** If the allegation is an EEO complaint, the employee will refer to [5.040-PRO-1](#).