

September 28, 2020

Interim Chief Adrian Diaz
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Diaz:

Please see the below Management Action Recommendation.

Case Number

- 2019OPA-0922 / 2020COMP-0012

Topic

- Traffic Contact Reports

Summary

- While investigating allegations of unprofessionalism during a traffic stop, OPA identified that the Named Employee (NE) gave the driver a warning rather than issuing a citation. While the NE completed a Traffic Contact Report (TCR), he did not provide a copy of the TCR to the driver prior to leaving the scene.

Analysis

- SPD Policy [16.230-POL-3](#) governs the issuance of TCRs. SPD Policy 16.230-TSK-1(5) specifically requires that, when a TCR is completed, the officer: “Serves the violator with the ‘Defendant Copy’ of the...TCR.”
- OPA has similarly seen other officers fail to serve TCRs. There appears to be a lack of understanding of or adherence to the requirement of service on the driver at the time the TCR is issued. Given this, OPA issued the NE a Training Referral.
- In response, the NE contacted OPA and indicated that, while he understood the basis for the Training Referral, he disagreed with the policy’s mandate that the TCR be contemporaneously provided to the driver. He opined that whether to issue the TCR at the time of the stop should be incident-specific and left within the discretion of the officer. He noted that there may be safety concerns that go against personally serving the TCR or the possibility that, during a contentious stop, providing the TCR could escalate the situation. The NE noted that officers were permitted to mail traffic citations and questioned why the same could not be done for TCRs. OPA found the NE’s position to be well reasoned and compelling.

Recommendation(s)

- Consider whether to continue requiring in-person service of TCRs or amend the policy to allow service by mail. OPA notes that this policy change could reduce the time that officers spend on traffic stops.

Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability
