

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Chain of Command
Unit B112S

DATE: February 11, 2016

FROM: Mike Fields
Human Resources Director

SUBJECT: Final Discipline- Lora Alcantara/ OPA 15-0779

Attached are the Cover Letter and Final DAR for Sergeant Alcantara. The Cover Letter and Final DAR need to be given to Sergeant Alcantara via her chain of command. Electronic copies have been or will be provided to all recipients copied on the cover letter.

Please have Sergeant Alcantara sign in the appropriate place below.

My signature below indicates that I have received the Cover Letter and Final DAR in OPA 15-0779.

Lora Alcantara, #5843

Date

After providing Sergeant Alcantara with the documents, please complete the information below as appropriate.

Served by: _____ Date: _____
Rank/Printed Name

Date(s) Employee will serve suspension: _____

A copy of the suspension orders will be sent to the employee upon approval of the proposed day(s) by the HR Director. All discipline must be completed within two pay periods absent approval by an Assistant Chief or the Chief of Police. Vacation days may not be used in lieu of suspension without written permission from the Director of Human Resources.

Comments (If Needed): _____

Signature: _____

**On the day of service, scan the completed, signed receipt and
send it to SPD_EmploymentCounsel@seattle.gov
Original receipt should be returned within 7 days to SPD Legal Unit (JC-05-01)**



City of Seattle

Seattle Police Department

February 11, 2016

Lora Alcantara, #5843
Hand-delivered

RE: OPA 15-0779

Dear Sergeant Alcantara:

I want to thank you and your representatives for meeting with the Chief of Police on January 29, 2016, to discuss the recommended disciplinary actions arising from the investigation of OPA15-0779. Based upon the information presented at the meeting, and a review of relevant materials, the Chief has sustained the following allegation:

Violation of Seattle Police Manual, Section:

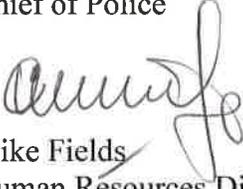
- **Standards & Duties: Professionalism – Prohibitions Concerning Derogatory Language 5.001 (VII.6) Effective August 15, 2012**

A description of the sustained allegation of misconduct and the final disciplinary action is set forth in the enclosed Disciplinary Action Report.

If you have any questions regarding this notice, please feel free to contact me.

Sincerely,

Kathleen M. O'Toole
Chief of Police


for Mike Fields
Human Resources Director

Enclosure

cc: Kathleen M. O'Toole, Chief of Police
Carmen Best, Deputy Chief
Steve Wilske, Assistant Chief
Chris Fowler, Captain
Pierce Murphy, Director of OPA
Ron Smith, SPOG President

**Seattle Police Department
DISCIPLINARY ACTION REPORT**

FILE NUMBER
15-0779

RANK/TITLE
Sergeant

NAME
Lora Alcantara

SERIAL NUMBER
5843

UNIT
B112S

SUSTAINED ALLEGATION:

Violation of Seattle Police Manual Section:

- **Standards & Duties: Professionalism – Prohibitions Concerning Derogatory Language 5.001 (VII.6) Effective August 15, 2012**

SPECIFICATION:

On February 27, 2013, when you held the rank of Officer, you were engaged in a pursuit of a suspect. The individual fled in his vehicle, and was subsequently involved in several hit and run collisions. While you pursued the individual, you repeatedly used profanities; during an approximately ten minute span, you swore at least ten times, all captured on In-Car Video and part of the record of your pursuit. After you located and began impounding the suspect's then-unoccupied vehicle, you described events to your sergeant by referring to the individual using language that showed contempt and/or disrespect for the suspect based on race. While inside your vehicle and out of earshot of anyone other than your sergeant, you commented: "The fucking negro, as I was crossing the street, the guy went through the alley."

During the investigation, you acknowledged that your language was unacceptable. You explained that your profanity was you talking to yourself and expressing frustration, but recognized that your patrol car was part of your workplace. You stated that you used the word Negro as a "descriptor" of the suspect and that you did not intend it to be a racially derogatory term. You expressed awareness of how using the word "fucking" before "Negro" could be particularly troubling; you noted that you'd used the same profanity repeatedly in the same event and, although lamentable, the addition of profanity before the word "Negro" was an issue with repeated swearing, not race. In retrospect, you recognized how your words could be viewed by others as suggesting contempt towards black or African-American people and could undermine trust in yourself and/or the Department. You expressed remorse for your actions and apologized for your language.

DETERMINATION OF THE CHIEF:

Your language, and particularly your use of the term "fucking Negro" to describe a suspect, was totally unacceptable. Derogatory language will not be tolerated at this Department. While it is important to me that you acknowledged the impact of your words, expressed understanding of why they were inappropriate, and expressed remorse for having uttered them, I don't believe the gravity of your offense was recognized by the original disciplinary recommendation of a two day suspension.

At the same time, I am cognizant of the fact that the incident is more than two years old and that your supervisors report that you have shown considerable growth since the event, that it was an outlier, and that at no other time have your actions suggested bias of any kind. You have never before been disciplined during your career, which spans more than two decades.

Further, while the language you used is unacceptable at any time, the discipline imposed would have been far more severe had it been directed at the suspect or a member of the public, and/or tied to any particular action

that you took. Your chain of command have expressed a strong belief that you have learned from this incident and that this discipline will achieve its desired result of ensuring that you will never again engage in misconduct of this type. Should any similar misconduct occur in the future, a higher level of discipline will be imposed, up to and including potential termination.

To assist you in ensuring that this behavior does not reoccur, you will be retrained on both the policy noted below and on Race and Social Justice. It is critical that you remember how important it is that every member of this Department represents the Department at all times in ways that allows the community we serve to have faith in us.

Final Disposition

5 days suspension without pay and Re-Training on (1) Department Policies regarding Profanity and Derogatory Language and (2) Race and Social Justice

DATE

2/10/16

BY ORDER OF

Stam McFoule

CHIEF OF POLICE

APPEAL OF FINAL DISPOSITION

Appeals to a Commission:

SWORN EMPLOYEES : Public Safety Civil Service Commission

Employee must file written demand within ten (10) calendar days of a suspension, demotion or discharge for a hearing to determine whether the decision to suspend, demote or discharge was made in good faith for cause. SMC 4.08.100

CIVILIAN EMPLOYEES: Civil Service Commission

Before filing an appeal with the Civil Service Commission regarding suspension, demotion, or termination an employee must first go through the Employee Grievance Procedure provided by Personnel Rule 1.4. In order to comply with Rule 1.4, the employee must file the grievance within 20 calendar days of receiving the notice of the appointing authority's decision to impose discipline. After exhausting the Employee Grievance Procedure, if the employee is still dissatisfied, the employee must file his/her appeal with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response. See also SMC 4.04.240, 4.04.260, and Personnel Rules 1.4.

Alternative Appeal Options for Represented Employees:

SPOG Members: For employees represented by SPOG, the Disciplinary Review Board (DRB) may be an alternative appeal process for suspensions, demotions, terminations, or transfers, identified by the City as disciplinary in nature. Consult your collective bargaining agreement or SPOG representative to determine eligibility, notice periods, and details

of the process. The DRB is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

SPMA Members: For employees represented by SPMA, the grievance process may be an alternative appeal process for suspensions, demotions, or terminations. Consult your collective bargaining agreement or SPMA representative to determine eligibility, notice periods, and details of the process. The grievance process is available as an alternative only, and not in addition to an appeal to the Public Safety Civil Service Commission.

Represented Civilian Employees: Grievance and arbitration may be an alternative appeal process. Consult the applicable contract or a union representative to determine availability, notice periods, and details of process. Binding arbitration is available as an alternative only and not in addition to an appeal to the Civil Service Commission. SMC 4.04.260C