

**Seattle Police Department  
DISCIPLINARY ACTION REPORT**

FILE NUMBER  
**OPA 21-0208**

RANK/TITLE  
**Officer**

NAME  
**Andrei Constantin**

SERIAL NUMBER  
**8379**

UNIT  
**B252F**

SUSTAINED ALLEGATIONS:

**Violation of Seattle Police Department Policy & Procedure Manual Sections:**

- **15.180 – Primary Investigations. 5. Officers Shall Document all Primary Investigations on a Report**
- **5.001 – Standards and Duties 10. Employees Will Strive to be Professional**

Specification:

On December 24, 2020, you were on patrol and observed a car stopped at a gas station. You ran the plate of the car and determined that it was sold more than two years prior, but title had not been transferred. You approached the car and made contact with the driver, who was outside the car at the time. He got back into the car and closed the door. You told him to “roll the window down” but the man shook his head and began to drive away. As this occurred, you used a hard object to strike and shatter the driver’s side window. The driver left the scene and you returned to your patrol vehicle. You did not pursue the car.

You prepared a report regarding this incident. You wrote:

I initiated a stop and activated my over head lights. I noticed a Hispanic male and a white female at the vehicle. I advised the two that I wanted to talk to them about the car. The male ignored my command to talk and immediately jumped in the driver seat and locked his door. I told him to roll his window down and as soon as the female got in the passenger front seat he sped off guilt of SMC 11.59.060 – Refusal to Stop.

You did not document that you broke the car window.

Approximately four months after the incident, another officer told their supervisor that you had broken the window but not reported it. A supervisor reviewed both your body-worn video and report, confirming that you did break the window and did not document it. The supervisor also spoke with your supervisor to confirm that you did not verbally report your actions to your chain of command. Your actions were subsequently referred to OPA.

During OPA’s investigation, a witness alleged that you were “going around bragging about” breaking the car window. Two other witnesses reported you showing them the video of the incident. One suggested that you report the breaking of the window; you did not do so.

OPA interviewed you twice regarding this matter. At your first interview, you stated that you intended to arrest the driver. When the driver began to leave the scene, it caught you by surprise. You broke the window in an attempt to prevent the driver from leaving. You noted that this was not a trained tactic, but it was one you had used previously. You acknowledged that your actions constituted destroying property but stated that you did not believe you were required to report it. When asked about showing other officers the video of the incident, you

initially denied doing so and stated that you did not watch the video. You later changed your account to state that you did not recall watching the video. You denied that you were trying to cover up your actions by not including the broken window in the report. You stated that you did not “officially” screen the incident with anyone but that you believed you discussed it with your sergeant.

During your second interview with OPA, you stated that your answers at your first interview were incomplete. You said that you should have been clearer when you did not remember certain aspects of the incident instead of guessing. You also stated that you should not have broken the window in the first place and that doing so was an error. You said that, at most, you had reasonable suspicion to detain the driver and that the breaking of the window was not warranted. You further recognized that you should have included the information about the window in the report but denied that omitting it was purposed to conceal your actions. You acknowledged that your report was not complete, thorough, or totally accurate. You also confirmed that you did not officially screen the incident with your sergeant but mentioned it casually. You said that you did not initially remember showing the video to others but that you later realized that you did. You acknowledged that you did so, in part, to show off.

You were invited to attend a Loudermill Meeting with me, and though you did not appear, your union representative presented a statement on your behalf. In that statement, you said that the last several months have been hard for you, because you have been overanalyzing how you could have handled this situation differently. You indicated that you have changed your approach after your OPA interview, because you are always interested in improving.

#### Policies at Issue:

#### ***15.180 – Primary Investigations. 5. Officers Shall Document all Primary Investigations on a Report***

Department Policy 15.180-POL-5 governs reports written by officers. The policy mandates that such reports must be complete, thorough, and accurate.

It is undisputed that, by not including any mention of the breaking of the window, your report was inconsistent with policy. You acknowledged this at your OPA interview and said that you should have included this information.

#### ***5.001 – Standards and Duties 10. Employees Will Strive to be Professional***

Department Policy 5.001-POL-10 requires that employees “strive to be professional at all times.” The policy instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” It also instructs employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.”

Your conduct outlined above was unprofessional in a number of respects. First, showing the video to other officers in this context was improper. There was no legitimate law enforcement purpose here; instead, you did this, at least in part, to brag. Second, you failed to provide sufficient information in your initial report and then provided incomplete and arguably misleading answers at your first OPA interview. This required you to be interviewed again and raised the specter of dishonesty. While OPA did not ultimately deem you to be dishonest,

it was a close call, and your obfuscation undermined public trust. Third, you put a number of other officers and your chain of command in a compromising position by your actions.

You had no right to engage in property destruction under these circumstances. As you noted, the basis for this contact was to investigate a vehicle's title; you did not have probable cause to arrest or any basis to engage in a vehicle pursuit. Despite this, you destroyed a community member's property. That is an act akin to vandalism done under the purported color of law. Such an act has the potential to seriously undermine public trust.

Determination of The Chief:

Your actions during the stop as well as subsequently are troubling. While you have a reputation for being proactive in a positive way, this incident does not represent that. You bragged about the incident, showing others your video. In addition to this being inappropriate, you put numerous other officers in jeopardy by effectively including them in your misconduct. This fact was considered aggravating. Further, your initial interview with OPA was, at least, misleading. Your disciplinary history is also concerning. Because this is your third disciplinary incident in six years of employment and your second matter involving professionalism, an eight-day suspension is appropriate here.

Final Discipline

**8 Day Suspension**

DATE

03/28/2022

BY ORDER OF

CHIEF OF POLICE

APPEAL OF FINAL DISPOSITION

Appeals to a Commission:

SWORN EMPLOYEES: Public Safety Civil Service Commission

See Seattle Municipal Code 4.08.100. Employee must file written demand within ten (10) 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. Information on the process for filing a claim with the Public Safety Civil Service Commission may be found on the Commission's website.

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.

PROBATIONARY EMPLOYEES: Pursuant to SMC 4.04.030 and 4.04.290, employees who have been appointed to a position within the classified service but who has not completed a one (1) year period of probationary employment are "probationary employees" and are subject to dismissal without just cause. An employee dismissed during their probationary period shall not have the right to appeal the dismissal. SMC 4.04.290 and City of Seattle Personnel Rule 1.3.2E.

Alternative Appeal Options for Represented Employees:

Consult your collective bargaining agreement or union representative to determine eligibility, notice periods, and details of the disciplinary grievance process. Any remedy available through a collective bargaining agreement is an alternative remedy and not in addition to an appeal to the Public Safety Civil Service Commission or Civil Service Commission.