



City of Seattle

Seattle Police Department

July 17, 2024

Officer Daniel Auderer, #7499
(Hand-delivered)

RE: OPA 23-0336

Dear Officer Auderer:

I want to thank you and your representatives for meeting with me on July 10, 2024, to discuss the recommended discipline arising from the investigation of OPA 23-0336. Based upon the information presented at the meeting, and a review of relevant materials, I have sustained the following allegation:

Violation of Seattle Police Manual, Section:

- **5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional**

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Sue Rahr".

Sue Rahr
Interim Chief of Police

Enclosure

cc: Mike Fields, Executive Director of Human Resources
Eric Barden, Deputy Chief
Daniel Nelson, Assistant Chief
Gretchen Hughes, Lieutenant
Gino Betts, Director of OPA
Mike Solan, SPOG President
Allen McKenzie, Employment Services Advisor

**Seattle Police Department
DISCIPLINARY ACTION REPORT**

FILE NUMBER
OPA 23-0336

RANK/TITLE
Officer

NAME
Daniel Auderer

SERIAL NUMBER
7499

UNIT
A810X

SUSTAINED ALLEGATION:

Violation of Seattle Police Department Policy & Procedure Manual Section:

- **5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional**

Specification:

On January 23, 2023, a community member was tragically struck and killed by a Seattle Police vehicle traveling at a high rate of speed in response to an emergency call. You responded to the West Precinct to evaluate the driver for possible signs of impairment. You observed and evaluated your fellow officer, concluded that he was not impaired, and left the precinct.

On the drive home, you had a telephone conversation with one of your colleagues. Your body worn camera captured approximately two minutes of your end of the conversation. You were not aware you were recording yourself. The video and audio of these statements, which were released by both SPD and the King County Prosecutor's Office in response to public records requests for any and all video relating to the underlying incident, made international news, causing incalculable harm to the Department's reputation nationally, globally, and among the Seattle community we serve.

Your audio, which quickly went viral, captured you saying, among other things: "Uh, I think she went up on the hood, hit the windshield, and then when he hit the brakes, flew off the car... But she is dead." After saying "But she is dead" you laughed hard for four seconds.

In your interview with the Office of Police Accountability (OPA), you explained: "You can either laugh or cry. You don't laugh over death. You laugh at the absurdity of it."

Your body worn camera also captured you saying: "Yeah, just write a check. Just, yeah (laughter). \$11,000. She was 26, anyway. She had limited value."

Three seconds later, you apparently realized your body worn camera was on, and your hand jerked from the steering wheel to deactivate the device.

When asked by the OPA interviewer why you said the dead woman had "limited value" and laughed about it, you claimed you were ridiculing the city attorneys who would be tasked with litigating a potential wrongful death lawsuit.

This explanation is similar to what you wrote to the OPA Director in a letter requesting rapid adjudication of this case (your request was denied).¹ In that letter you wrote that your comment was in response to your

¹ Your assertion that you "self-reported" your comments to OPA is unfounded; you wrote your letter to the OPA Director requesting rapid adjudication after you became aware that your conduct had already been referred to OPA by the Department itself following the discovery of that video in the course of responding to the public records request.

colleague "stat[ing] something to the effect that it was unfortunate that this would turn into lawyers arguing 'The value of human life.'"

You wrote further that your colleague asked you "as he was lamenting the loss of life something similar to: 'What crazy argument can a lawyer make in something like this? What crazy thing can they come up with.'" You wrote that you "responded with something like: 'She's 26 years old. what value is there, who cares.'" You wrote that you "intended the comment as a mockery of lawyers – [you were] imitating what a lawyer tasked with negotiating the case would be saying and being sarcastic to express that they shouldn't be coming up with crazy arguments to minimize the payment." You wrote that you "laughed at the ridiculousness of how these incidents are litigated" but you "understand that without context the comment could be interpreted as horrifying and crude."

Your body worn camera did not capture you saying anything about attorneys or civil litigation, but your colleague did corroborate your version of his end of the conversation during his OPA interview.

You reiterated in your OPA interview what you wrote to the OPA Director: you thought you were having a private conversation. You also took the position that the conversation was not in the course of your law enforcement duties.

Alleged Violations:

1 – Policy 5.001(10) - Professionalism which requires employees to conduct themselves in a way that maintains community trust whether or not they are on duty. The policy states that "Regardless of duty status, employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers."

2 – Policy 5.140(2) - Bias-Free Policing which states, in part: "[e]mployees shall not express - verbally, in writing, or by other gesture - any prejudice or derogatory comments concerning discernible characteristics." (OPA found your statement: "[s]he was 26, anyway. She had limited value" to be derogatory and biased on the basis of the discernible characteristic of age. As such, the OPA Director determined that you violated SPD Policy 5.140(2). Your Chain of Command did not agree, as explained in the separate memorandum from SPD's Chain of Command to the Chief of Police.)

Employee Response:

At your *Loudermill* meeting² your bargaining unit representatives discussed your numerous achievements and commendations over your career with SPD, and characterized you as an exceptional officer, a leader, and an asset to the Department. Counsel criticized OPA's investigation and findings, on both procedural and substantive grounds, and urged me not to sustain the allegation that you violated the Department's bias-free policing policy. Counsel pointed out the lack of any evidence that you were aware of the decedent's name, race, or ethnicity at the time you made the comments described above and noted that you had no involvement in the investigation beyond evaluating your fellow officer for possible impairment. She argued that the phone call was private union-related business and reiterated much of what you told OPA: that your laughter reflected the absurdity of the situation, and that it is not uncommon for people whose professions expose them to traumatic situations to use gallows or dark humor as a coping mechanism. She said that you have worked many grisly

² You had two *Loudermill* meetings, one with former Chief Diaz, one with Interim Chief Rahr. Although your presentations to both Chiefs were similar, this Report summarizes the latter.

incidents and seen much death in your career, and she opined that police officers cannot react to death like civilians do, they must de-sensitize because "if they don't laugh, they will cry". She acknowledged all of the media attention and public outcry this case generated but argued that "clicks and complaints are not evidence" that you engaged in biased-based policing. She did not dispute that you violated the Department's professionalism policy, but noted you have a history of showing empathy to victims and their families, claimed you did not get a fair investigation, and asked me not to terminate your employment.

You said you were born to be a Seattle Police Officer and described your devotion to the vocation. You mentioned the joy you feel "throwing [your] entire being" into your work. You said that trust is the most important aspect of the job, and that "trust is gained in drips and lost in buckets: I've dumped my bucket over". You said you are ready to refill your bucket again drip by drip. You acknowledged that your words were hurtful, and said you are "horrified" to know what they meant to the young woman's family, and you wished you could bear their pain. You closed with a heartfelt apology.

Determination of The Chief:

I will first address the alleged violation of the Professionalism policy. The facts of this case are not in dispute. I agree with OPA's sustained finding that you violated the policy. That is not a difficult call.

However, at the root of this case lies an extremely difficult judgment call for me to fairly balance "intent versus impact" in making my decision about the appropriate discipline. I have considered the following factors in making my decision:

- The incident began with the tragic death of a promising, young college student and the indescribable grief of her family, loved ones, and native country.
- As you left the scene of this tragic incident, you had what you expected to be a private conversation with a colleague, engaging in what you described as "gallows humor".
- Gallows humor is a common coping behavior among police officers who have witnessed traumatic events. Most of us in law enforcement have engaged in this from time to time.
- Because your conversation was recorded on your Body Worn Video (BWV), it became part of the public record and SPD was required to share it with the public.
- The purpose of BWV is to provide the public with insight into the actions of police officers that happen outside of public view. This level of transparency is integral to building trust.
- More often than not, BWV digital information displays good police work and reassures the public that the police officers are competent and trustworthy. We use BWV material to showcase good policework and to dispute false accusations.
- Conversely, over the past decade, across the nation, BWV information has displayed terrible acts of police misconduct and cruelty that created national and international outrage and had a devastating impact on public trust and support for police.
- For many years SPD has taken significant steps to improve public trust and support so that officers are safer and more effective.

As I consider all of these factors, there is no doubt that your cruel and callous laughter and comments about the tragic death caused deep pain to Ms. Kandula's family, but also immeasurable damage to the tenuous public

trust of police in Seattle, across the nation, and around the world. Members of the community, community leaders, representatives of the Indian government, and the press have expressed extreme outrage.

It has been quite striking to me the number of people I talk with in the greater Seattle community who feel that your dehumanizing laughter was more disgraceful and disturbing than the death of Ms. Kandula. I have spent many hours considering why this is so. Here is what I've concluded:

Our government gives police officers the authority to deprive a person of their liberty and in the most extreme cases, their life. This authority rests on the public's trust that officers will demonstrate respect for the sanctity of human life. Your gleeful laughter and callous comments about the "limited value" of Ms. Kandula's life displayed a cruel mockery of the sanctity of her life. There is no coming back from such a betrayal of that sacred trust. Not only did your comments irrecoverably break the public's trust in you as an individual officer, but they also did extreme damage to the public's trust of the entire Seattle Police Department. Your actions make it harder for every member of SPD to do their job with community support.

The Guild has made a strong case for mitigating the impact of your actions by arguing that they were said during a conversation that you did not intend for the public to hear and that you have had an overwhelmingly positive career at SPD. Numerous employees have submitted letters of support and many of your colleagues have voiced their strong support for you. Despite a history of previous sustained cases of unprofessional behavior, and discipline including a 4-day suspension, you have a positive reputation with your fellow officers and supervisors.

The fundamental question that I must answer is: To what extent does your positive work history, support of your peers, and intent that your conversation be private mitigate the impact of your actions?

I believe the **impact** of your actions is so devastating that your **intent** to keep them private is not sufficiently mitigating. The hurt your words have inflicted on Ms. Kandula's family and community cannot be erased. Your individual actions have brought lasting shame on the Seattle Police Department, disgrace on our entire profession, and make the job of every police officer more difficult.

It is my duty as the leader of this organization to uphold the high standards necessary to maintain public trust. For me to allow you to continue your employment with SPD would bring dishonor to the entire department. I regret the negative impact this has on you as an individual officer who clearly loves your profession. But it is my obligation to prioritize the good of the entire organization over the interests an individual officer and I must therefore terminate your employment.

Terminating an officer for unprofessionalism is rare, but it is not without precedent. Furthermore, this is not your first sustained allegation regarding unprofessionalism, it is your third. In 2018 you received a written reprimand and re-training in the Department's professionalism policy for ridiculing a subject who told you she had a medical condition that affected her ability to follow your instructions. You made numerous comments to her that were contemptuous, derogatory, and disrespectful. Thus, the insensitivity you demonstrated in this case cannot be characterized as a one-off. While Counsel at the Loudermill emphasized your reputation for empathy towards victims and their families, your prior history demonstrates that you have previously been disciplined for making scornful and disparaging comments directly to a community member. Therefore, there is evidence that your lack of professionalism has not been confined to instances in which you thought you were speaking privately.

In 2022 you received your second written reprimand for violating the Department's professionalism policy, for inserting inappropriate and irrelevant editorial comments regarding your personal views on "the city's failures" into a police report. In addition to your repeated prior violations of the professionalism policy, your disciplinary history includes a four-day suspension for violating the Department's discretion policy in 2017. In that case, while off-duty, outside of your jurisdiction, and without authorization, you posed as a pizza delivery person and participated in arresting a subject with an outstanding warrant at his home. Although progressive discipline is certainly warranted based on your record, the egregiousness of your misconduct, and the extraordinary impact it had, would justify serious discipline up to and including termination even if your history were clean.

Your comments here were so derogatory, hurtful, and damaging to community trust, that this case is unique, both in terms of the inhumanity of your comments and laughter, and in the devastating impact they have had.

Regarding your alleged violation of the Bias Free Policing Policy, I disagree with the conclusions of OPA sustaining that allegation and will take the necessary steps to overturn their finding.

FINAL DISPOSITION:

Termination

DATE

7/17/24

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.

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.