



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0737

Issued Date: 08/21/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (6) Employees Engaged in Department-Related Activities Identify Themselves When Requested (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.120 Secondary Employment (Policy that was issued 03/19/14)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Professionalism (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (6) Employees Engaged in Department-Related Activities Identify Themselves When Requested (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.120 Secondary Employment (Policy that was issued 03/19/14)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named employees were working off duty flagging traffic during rush hour traffic.

COMPLAINT

The complainant alleged that the named employees were discourteous to him about traffic signage in a construction zone. The complainant further alleged that the named employees refused to provide their names when asked. The named employees allegedly did not have secondary work permits.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint phone call
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that there was communication between the complainant and the named employees about the traffic in the construction zone. The named employees were doing what they could to ensure that the traffic continued to move. The complainant wanted the named employees to report to the construction company that the signage was not adequate and he was upset about the backed up traffic. The named employees tried to de-escalate the situation and were not trying to engage in a conversation about the construction zone. In addition, the evidence showed that there was inconsistent record keeping of secondary employment permits in the unit where the two named employees were assigned. An approved secondary employment permit could be found for one named employee but not the other.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the named employee behaved in a professional manner. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism*.

Allegation #2

The evidence showed that the named employee would have identified himself but he did not hear the complainant ask for his name. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Engaged in Department-Related Activities Identify Themselves When Requested*.

Allegation #3

The evidence did not refute or support the allegation that the named employee had a valid secondary employment permit on file. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Secondary Employment*.

Named Employee #2

Allegation #1

The evidence showed that the named employee behaved in a professional manner. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Professionalism*.

Allegation #2

The evidence showed that the named employee would have identified himself but he did not hear the complainant ask for his name. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Engaged in Department-Related Activities Identify Themselves When Requested*.

Allegation #3

The weight of the evidence showed that the named employee had a valid secondary employment permit on file. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Secondary Employment*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.