



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1354

Issued Date: 06/15/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (12) Standards and Duties: Employees Shall Not Use Their Position or Authority for Personal Gain (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was dispatched to contact the complainant to take a theft report.

COMPLAINT

The complainant alleged that the Named Employee was more interested in making an appointment for a massage than conducting a complete and thorough investigation of the theft she was reporting, and that the Named Employee later called her to ask her out on a date.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Videos
4. Interview of the SPD employee

ANALYSIS AND CONCLUSION

The OPA investigation showed that the Named Employee was dispatched to contact the complainant to take a theft report. In the course of investigating the complainant's reported theft and obtaining the necessary information to complete a report, the Named Employee chose to create a client relationship with the complainant who was a massage therapist. The Named Employee later sent a text message to the complainant using the complainant's cell phone number which he had obtained in the course of his official duties. Following the text message, the Named Employee asked the complainant out for coffee. The complainant reported to other officers and OPA that the entire episode made her uncomfortable and that she was concerned the Named Employee might use his position as a police officer against her in some way.

OPA recognizes that officers have a difficult balancing act to perform in being friendly and engaging with members of the public as they deliver police services, while not appearing to inappropriately use their special access to the personal information of crime victims, suspects and witnesses. The Named Employee would be well-advised to draw a brighter line of separation between his official duties and his personal activities so as to avoid even the appearance he is using his position of power in an inappropriate manner.

There was not a preponderance of the evidence from the OPA investigation to either prove or disprove that the Named Employee used or intended to use his position as a police officer to obtain any personal gain or benefit not available to any other person who was not a police officer. The complainant told OPA she thought the Named Employee was using his access to her and her contact information to "ask her out on a date" because he was attracted to her. However, the Named Employee told OPA he had no romantic interest in the complainant and merely wanted to learn more about her interesting life story.

The preponderance of the evidence from the OPA investigation showed that the Named Employee conducted a complete primary investigation into the complainant's report of a theft

and that the Named Employee accurately and completely documented what he found in the course of that investigation.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training.

Therefore a finding of **Not Sustained** (Training Referral) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times.*

Required Training: The supervisor should coach and counsel the Named Employee on how to draw a brighter line of separation between his official duties and his personal activities so as to avoid even the appearance he is using his position of power in an inappropriate manner.

Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation.

Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Not Use Their Position or Authority for Personal Gain.*

Allegation #3

A preponderance of the evidence showed that the Named Employee conducted a complete primary investigation, and that the Named Employee accurately and completely documented what he found in the course of that investigation. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report.*

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.