



## **CLOSED CASE SUMMARY**

ISSUED DATE: JULY 2, 2018

CASE NUMBER: 2018OPA-0019

### **Allegations of Misconduct & Director’s Findings**

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete In All Communication	Sustained

**Imposed Discipline**

Recommended Termination – Employee Separated Prior to DAR
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***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

The Complainant, the Office of Police Accountability (OPA), alleged that the Named Employee was dishonest while participating in his interviews regarding OPA investigation 2017OPA-0998.

### **ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete In All Communication***

In a prior OPA case (2017OPA-0998), it was alleged that Named Employee #1 (NE#1) had worked secondary employment even after being explicitly instructed not to do so by his direct supervisors, a sergeant and lieutenant. It was also alleged that NE#1 did not comply with lawful orders given to him by his supervisors, as well as that he made dishonest statements to them concerning not working secondary employment.

As part of its investigation in that prior case, OPA interviewed NE#1 twice. OPA also interviewed the lieutenant, as well as twice interviewed the sergeant. These interviews conclusively established that NE#1 had been dishonest. First, he was dishonest when he told the sergeant during a September 14 conversation that he had not been working secondary employment. Indeed, records from NE#1’s secondary employer indicated that he worked on August 11, 14, 18, 28, 29, and 30, as well as on September 5, 6, 11, 13, and 15. Notably, not only did he work secondary employment on dates both before and after his meeting with the sergeant, but he also worked the days immediately prior and post to the meeting. Second, he was dishonest when he stated that he initially contended that he believed that his supervisor was asking him whether he worked secondary employment in violation of the “24-hour rule” (which prohibits an officer from working more than 24 hours of secondary employment in a seven-day period) and then later asserted that he believed that she was referring to whether he was planning to work secondary employment on the exact date of their meeting.

Based on NE#1’s implausible and shifting accounts, as well as on the clear and consistent testimony from the sergeant and lieutenant, OPA recommended that the allegations against NE#1 be Sustained (one allegation was



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removed as it was deemed subsumed in the other three allegations). NE#1's chain of command and the Chief of Police agreed. NE#1's employment at the Department was subsequently terminated.

OPA also initiated the instant investigation based on the possibility that NE#1 lied to OPA during his interviews in his prior case. As part of this investigation, OPA interviewed NE#1 again and he also provided an emailed response to a follow-up question from OPA.

SPD Policy 5.001-POL-10 requires that Department employees be truthful and complete in all communications. As such, were it established that NE#1 was untruthful during his prior OPA interviews, this would constitute a violation of this policy.

Based on that interview, NE#1's emailed response, and the record developed in 2017OPA-0998, it was established that NE#1 lied to OPA on a number of occasions during his interviews.

First, NE#1 was dishonest to OPA when he asserted at his prior interviews that he did not recall discussing limitations on his secondary employment with the lieutenant. He reiterated his assertion at his interview in this case. However, both the lieutenant and the sergeant confirmed that NE#1 was informed on multiple occasions that he was not to work secondary employment. The lieutenant emphasized that this conversation was abundantly clear and that it was not possible that NE#1 misunderstood what he had been told.

Second, NE#1 lied to OPA when he stated that he was never given a direct order from the lieutenant to not work secondary employment. Notably, at his interview in this case, NE#1 explained that he should have said that he did not "recall," not that the order was not given. However, I find that this was not mere mistaken phrasing – it was a deliberate material misrepresentation made to OPA.

Third, NE#1 deliberately mislead OPA when he stated that he had not actually worked secondary employment in violation of direct orders. The sergeant's and lieutenant's OPA interviews and well as the record of NE#1's secondary employment clearly established that he did do so. NE#1 reaffirmed this lie at his OPA interview in this case.

Fourth, NE#1 was generally dishonest when he told OPA that he did not lie to either OPA or his supervisors. As established by the great weight of the evidence, he did so and on multiple occasions.

A core value of SPD and of law enforcement officers generally is honesty. This value is crucial to the maintaining of a system that is just, fair, and accountable. When an officer is dishonest, it undermines the Department and its officers who strive every day to uphold the law, to serve the community with integrity, and to be trusted and valued. When officers lie, this core value and the collective norms of the Department and the community are violated. This is particularly the case when officers lie during disciplinary proceedings. Here, NE#1 had a choice – he could have truthfully taken responsibility for his actions and accepted the consequences, even if significant. However, he decided not to do so. Instead, he lied repeatedly throughout OPA's investigations in both cases. This is simply unacceptable and such conduct should not and cannot be tolerated in this Department.

For the above reasons, and when applying the elevated quantum of evidence required to establish this allegation, I find that NE#1 engaged in repeated dishonesty to OPA. As such, I recommend that this allegation be Sustained.



**Seattle**  
Office of Police  
Accountability

## ***CLOSE CASE SUMMARY***

OPA CASE NUMBER: 2018OPA-0019

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Recommended Finding: **Sustained**