



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 20, 2018

CASE NUMBER: 2018OPA-0567

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Allegation Removed
# 2	5.170 - Alcohol and Substance Use 1. Employees Shall not Report for Duty Under the Influence of any Intoxicant	Sustained
# 3	5.170 - Alcohol and Substance Use 2. Employees Shall not Consume Intoxicants in any Department-Operated Facilities or Police Vehicles	Sustained
Imposed Discipline:		
Suspension without Pay – 30 days		

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:

It was alleged that the Named Employee may have violated the law and Department policies when he consumed alcohol prior to work and reported to duty while intoxicated.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

As I recommend that both of the below allegations be Sustained, I find it unnecessary to reach the same recommendation here. I accordingly recommend that this allegation be removed.

Recommended Finding: Allegation Removed

Named Employee #1 - Allegation #2

5.170 - Alcohol and Substance Use 1. Employees Shall not Report for Duty Under the Influence of any Intoxicant

Named Employee #1 (NE#1) was working at a demonstration. Two witness officers reported that NE#1 was acting erratically and was possibly intoxicated. A Sergeant responded to the scene and observed NE#1. The Sergeant observed that NE#1 had “watery, bloodshot eyes, slurred speech and strong odor of intoxicants.” The Sergeant further noted that NE#1 was swaying as he walked. The Sergeant reported this to other supervisors and arranged for NE#1 to be transported to the Washington State Patrol Roanoke Station for further investigation. While NE#1 had a Guild representative present, the Sergeant ordered one of the witness officers (who was a Drug Recognition Expert)



to conduct Field Sobriety Tests (FSTs). The FSTs indicated that NE#1 was intoxicated. NE#1 also took breath tests that measured his Blood Alcohol Content at .113 and .103, both above the legal limit. NE#1 was placed on administrative leave and this matter was referred to OPA. OPA, in turn, referred this case back to SPD for criminal investigation. SPD concluded that there was insufficient evidence to charge a criminal offense, noting that no one had observed NE#1 driving. The case was returned to OPA and this investigation ensued.

OPA interviewed NE#1, as well as a number of witness officers. The witness officers all confirmed their belief that NE#1 was intoxicated on the date in question and set forth the evidence that conclusively proved this fact. All also stated that NE#1 was a good officer and person, as well as recognized that NE#1 was dealing with addiction.

NE#1 admitted to OPA that he was drinking in his personal vehicle while parked in a Department facility prior to his shift and that he reported to duty while intoxicated. He made no excuses for his conduct and honestly described his struggle with alcoholism. He stated that, after the incident, he began to receive in-patient treatment and he was receiving ongoing treatment at the time of his OPA interview. He further explained that he continues to attend meetings to ensure that he does not relapse.

SPD Policy 5.170-POL-1 prohibits Department employees from reporting for duty under the influence of any intoxicant. Here, NE#1 admittedly did so. As such, I recommend that this allegation be Sustained.

In reaching this finding, I wish NE#1 best of luck in his future treatment and his management of his alcoholism.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

5.170 - Alcohol and Substance Use 2. Employees Shall not Consume Intoxicants in any Department-Operated Facilities or Police Vehicles

SPD Policy 5.170-POL-2 states that employees shall not consume intoxicants in any Department-operated facilities or police vehicles. As discussed above, it was conclusively established that NE#1 consumed alcohol in a Department parking lot prior to his shift. While he did so in his personal vehicle, that does not change the fact that this contract was contrary to policy. Given this, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**