



OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA) Closed Case Report July-August-September 2014

The Office of Professional Accountability's (OPA) complaint report provides information about Seattle Police Department (SPD) misconduct complaints that are investigated by OPA. For complaints that are classified as Supervisor Action, the OPA requires that the employee's Supervisor take certain actions to address the issues that were raised in the complaint. This report includes summaries of only the full misconduct investigations and covers the cases that were closed during the months of July, August and September 2014, along with data on the number and classification of complaints filed, with a comparison to 2013. This report includes charts showing the percentage of cases closed with different types of findings.

Statistical Highlights

- In the third quarter of 2014, there were 57 complaints filed in which 50 employees were named (2.7% of 1,820 SPD employees).
- 18% of the allegations closed during this period were Sustained. Sustained findings result in discipline. By comparison, 16% of 2013 allegations resulted in a Sustained finding.
- 16% of allegations closed to date in 2014 resulted in a Training Referral. A finding of Training Referral means that there may have been a violation of policy, but it was not willful and did not rise to the level of misconduct. In such cases, training is provided instead of discipline. In 2013, 13% of allegations were closed with a Training Referral finding.
- The remaining cases were closed as Unfounded, Lawful and Proper, or Inconclusive.

In August of 2014, the Federal Judge overseeing the Settlement Agreement between the Department of Justice and the City of Seattle approved the Internal Operations and Training Manual for OPA. This new set of policies and procedures reduced the number of findings used to resolve complaints investigated by OPA from five to two. Now the only findings used by OPA are "Sustained" or "Not Sustained." If the finding is "Not Sustained" it is noted whether or not it is Unfounded, Lawful and Proper, Inconclusive, Training Referral or Management Action. "Management Action" is where the OPA Director makes recommendations for management action to the Chief of Police.



Office of Professional Accountability

Closed Case Report
July-August-September 2014

*Investigations involving alleged misconduct by SPD employees are summarized below.
Identifying information has been removed.*

July-August-September Closed Cases

Case Summary	Case Finding
<p>13-0506 The complainant, a supervisor within the Department, alleged the named employee created a “hostile working environment” by spreading “gender based rumors” about the subject.</p>	<p>Allegation and Finding: 1. EEO Complaints & Investigations – Unfounded 2. Honesty – Inconclusive</p> <p>The evidence neither proved nor disproved that the named employee spread any rumors, nor that the named employee was dishonest.</p>
<p>13-0493 The complainant, a supervisor within the Department, alleged the named employee failed to take appropriate action during three separate 911 calls.</p>	<p>Allegations and Findings: 1. Violation of Rules/Regs-Failure to Take Appropriate Action – Sustained</p> <p>The evidence showed that the named employee failed to take appropriate action.</p> <p>Discipline imposed by Chief of Police: 5 day suspension without pay.</p>
<p>14-0100 The complainant alleged that the named employee was “very threatening, unprofessional, and intimidating” when threatening to arrest the complainant after having to wait 20-25 minutes to obtain a blood draw at a hospital pursuant to service of a “times search warrant”.</p>	<p>Allegations and Findings: 1. Professionalism - Courtesy – Training Referral 2. Professionalism – Exercise of Discretion – Unfounded</p> <p>A preponderance of evidence supports that the named employee had a time sensitive search warrant to draw blood but supports that the named employee displayed rude behavior. A Training Referral finding will give the named employee the opportunity to review this policy with a supervisor.</p>



Case Summary	Case Finding
<p>14-0013</p> <p>The complainant alleged while at a “Trespass” call at a store, one of the responding officers grabbed the subject by his neck, choking him, and forced him against the wall which made a very loud noise that possibly was the subject’s head hitting the wall. The complainant further alleged that named employee #2 just grabbed the subject’s arm while named employee #1 put him into the choke hold.</p>	<p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none">1. Using Force: When Authorized – Lawful & Proper2. Reporting Use of Force – Unfounded <p>Named Employee #2</p> <ol style="list-style-type: none">1. Using Force: When Authorized – Lawful & Proper2. Reporting Use of Force – Unfounded <p>The preponderance of evidence supports that the subject received no injuries and did not make any complaint of injury. Based on de minimus force used, it is determined that the named employees were lawful & proper in the force used. Because reportable force was not used in this incident, there was no policy violation.</p>
<p>14-0011</p> <p>The complainant alleged the named employees were discourteous when they questioned her integrity related to an Auto Theft complaint. She further alleged that the named employees did not notify her that she was being sound recorded by ICV, per department policy. It is further alleged that named employee #2 should not have personally handled her call for service as the named employee has personal knowledge of the complainant through a mutual acquaintance and was involved in the arrest of the complainant’s ex-husband.</p>	<p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none">1. Professionalism – Courtesy – Training Referral2. In-Car Video/Policy - Inconclusive <p>Named Employee #2</p> <ol style="list-style-type: none">1. Professionalism – Courtesy – Unfounded2. Integrity – Conflicts of Interest – Unfounded3. In-Car Video/Policy - Inconclusive <p>The evidence showed that the named employee #1 made a discourteous statement and a Training Referral finding will allow this employee the opportunity to review this policy with a supervisor. The evidence showed that named employee #2 was neither rude nor discourteous. The preponderance of evidence supports that named employee #2 acted properly and professionally and that any prior knowledge of the complainant did not play any role in determining whether a stolen vehicle report would be taken. Due to the poor quality of the audio recording it can be neither proved nor disproved whether either named employee informed the complainant that they were being recorded.</p>



Office of Professional Accountability

Case Summary	Case Finding
<p>13-0514 The complainant alleged that the named employee “abandoned his post without authority” while assigned as the North Precinct Desk Clerk.</p>	<p>Allegations and Findings: 1. Operations Bureau – General Personnel Matters/Duty Hours - Sustained</p> <p>The evidence showed that the named employee was not given permission to leave work or abandon his duties as the North Precinct Clerk.</p> <p>No discipline imposed due to actions and direction given by Chain of Command since the time of the incident.</p>
<p>13-0452 The complainant alleged that named employee #1 failed to conduct a thorough investigation when the complainant made a sexual assault report. The complainant alleged that the named employee was unprofessional and minimized the complaint. The complainant alleged that named employee #2, who was working as a clerk, also treated her unprofessionally based on her transgender.</p>	<p>Allegations and Findings: Named Employee #1 1. Professionalism - Courtesy – Unfounded 2. Unbiased Policing/Policy – Unfounded 3. Primary Investigations/Definitions – General - Sustained</p> <p>Named Employee #2 1. Professionalism - Courtesy – Training Referral 2. Unbiased Policing/Policy – Inconclusive</p> <p>The conclusion that named employee #1 was discourteous is not supported by the facts. Named employee #1 did leave out one important material fact from the General Offense Report. Named employee #2 does not remember telling the complainant to leave the precinct and call 911 but there is a record of the complainant calling 911 from the precinct lobby. A training referral will allow the named employees to review the policies with a supervisor.</p> <p>Discipline imposed by Chief of Police: Training Referral</p>
<p>14-0008 The complainant, a supervisor within the Department, alleged the named employee proactively tried to obtain information about an ongoing criminal DV investigation when he made public disclosure requests with other police agencies regarding the criminal DV investigation.</p>	<p>Allegations and Findings: 1. Integrity –Conflict of Interest – Unfounded</p> <p>The preponderance of evidence supports that the named employee did not use or attempt to use his position as an SPD employee to obtain information or advantage from other police agencies that would not otherwise have been given to a member of the public not affiliated with a law enforcement agency. Nor did the named employee use or attempt to use his position as an SPD employee to influence any criminal investigations being conducted.</p>



Case Summary	Case Finding
<p>13-0510 The complainant, a supervisor within the Department, alleged the named employee was insubordinate when he left work without supervisor authorization prior to completing his entire scheduled shift and worked an off-duty job while still being compensated by the city for his scheduled shift.</p>	<p>Allegations and Findings: 1. Violation of Law - Unfounded</p> <p>The preponderance of evidence supports that the named employee did not violated any criminal statutes with respect to his primary or secondary employment. In addition, the testimony of his direct supervisor indicates that the named employee did not abandon his post before the end of his scheduled shift.</p>
<p>13-0507 The complainant, a supervisor within the Department, alleged the named employee used and shared unauthorized study materials at Washington State’s Criminal Justice Training Center (WSCJTC) while attending the Police Academy.</p>	<p>Allegations and Findings: Named Employee #1 1. Integrity – Unfounded Named Employee #2 1. Integrity – Unfounded Named Employee #3 1. Integrity – Unfounded Named Employee #4 1. Integrity – Unfounded Named Employee #5 1. Integrity – Unfounded Named Employee #6 1. Integrity – Unfounded</p> <p>The evidence showed that the cultural climate at WSCJTC seemed to promote the use of unauthorized study guides and that there was an overwhelming perception that the use of these guides was an acceptable practice. The investigation also revealed that student group study was encouraged. The investigation was completed by the Washington State Patrol.</p>
<p>14-0021 The complainant alleged the named employee mishandled evidence when he improperly disposed of possible narcotics recovered from the arrestee. The named employee informed another employee that he “scattered” the suspected narcotics.</p>	<p>Allegations and Findings: 1. Mishandling Property/Evidence – Sustained 2. Primary Investigation/Officer Responsibility – Sustained</p> <p>The evidence showed that named employee told a witness that he had discarded the suspected narcotics on the grass at the scene and then recanted this statement. The named employee then stated he discarded the undocumented and suspected narcotics in the precinct sharps container. Both scenarios violate policy. He failed to properly screen this event with a supervisor and he did not document/report the seizure and handling of suspected narcotics.</p> <p>Discipline imposed by Chief of Police: Written Reprimand</p>



Case Summary	Case Finding
<p>14-0099 The complainant, a supervisor with the Department, alleged the named employee was insubordinate for abandoning his post by logging off duty before he had been relieved and ignoring his order to get back in his patrol car and get back on patrol. The complainant further alleged that the named employee violated the honesty policy for lying to a sergeant about the fact that he had been relieved of duty by the complainant.</p>	<p>Allegations and Findings: 1. Insubordination – Sustained 2. Honesty – Inconclusive 3. Operations Bureau – General Personnel Matters/Duty Hours – Sustained</p> <p>The evidence showed that the named employee disobeyed a direct order by his watch commander to return to patrol duties and that the employee failed to stay until end of his shift and intentionally went out of service without permission one hour earlier.</p> <p>Discipline imposed by the Chief: 30 day suspension without pay.</p>
<p>14-0090 The complainant, a supervisor within the Department, alleged the named employee failed to take appropriate action “by continuing to talk to the caller (subject) and in fact, trying to dissuade them from requesting an interpreter and by not making a call in to the Language Line. This unnecessary delay could have resulted in harm to the subject.</p>	<p>Allegations and Findings: 1. Violation of Rules/Regs-Failure to take Appropriate Action – Sustained</p> <p>The evidence showed that the named employee delayed calling the Language Line despite the subject requesting to speak with a Spanish speaker.</p> <p>Discipline imposed by the Chief: Written Reprimand</p>
<p>13-0225 The complainant alleged that the named employee was the suspect in a property damage/reckless driving incident.</p>	<p>Allegations and Findings: 1. Violation of Law – Sustained</p> <p>The evidence showed that the named employee drove his vehicle in a manner that showed a wanton and willful disregard for the safety and property of another.</p> <p>Discipline imposed by Chief of Police: 30-day suspension without pay</p>
<p>13-0526 The complainant alleged that unknown SPD employees searched her apartment after a disturbance inside her residence in 2005.</p>	<p>Allegations and Findings: 1. Searches-General/Procedure and Unnecessary Use of Force – Inconclusive</p> <p>Due to the variations in suggested times for the alleged events; efforts were not successful in determining named employees.</p>



Case Summary	Case Finding
<p>14-0140 The complainant alleged that he was “assaulted by an officer at the Southwest Precinct,” possibly related to his arrest.</p>	<p>Allegations and Findings: 1. Using Force: When Authorized - Unfounded</p> <p>There was evidence that the complainant appeared to be very intoxicated when he was arrested. In an interview with the complainant he stated that he was not injured by SPD employees and that they treated him correctly.</p>
<p>14-0020 The complainant, another police agency, alleged the named employee was involved in a verbal and physical disturbance with his daughter.</p>	<p>Allegations and Findings: 1. Violation of Law – Unfounded</p> <p>It was determined that the physical disturbance did not meet the prohibited actions under state law.</p>
<p>14-0111 The complainant alleged the named employee, who had a student officer with them, did not process a drunk driver involved in a collision after a DUI officer was requested and none were available.</p>	<p>Allegations and Findings: Named Employee #1 1. Primary Investigations/Failure to Take Appropriate Action – Lawful & Proper 2. DUI Investigation/Policy – Lawful & Proper 3. Professionalism-Exercise of Discretion – Lawful & Proper</p> <p>Named Employee #2 1. In-Car Video/Policy – Training Referral</p> <p>The evidence showed that the suspected DUI driver was not drunk but had other health issues. The suspected DUI driver appeared disoriented. The actions taken by named employee #1 were lawful & proper. Due to inadequate training, named employee #2 did not do a pre-shift systems check. A training referral finding will give named employee #2 the opportunity to review the policy with a supervisor.</p>



Case Summary	Case Finding
<p>14--0109 The complainant alleged the named employee frisked a subject and “squeezed his testicles hard.” The subject reported that he was “still in pain” when the complainant had a nurse check the subject.</p>	<p>Allegations and Findings: Named Employee #1</p> <ol style="list-style-type: none">1. Using Force: When Prohibited – Unfounded2. Use of Force Reporting & Investigation – Unfounded <p>Named Employee #2</p> <ol style="list-style-type: none">1. Evidence & Property/Policy – Lawful & Proper <p>The preponderance of evidence supports that the search of the subject was reasonable and properly conducted with witness officers present and in view of the Holding Cell Video cameras. No force was used on the subject. The subject never complained of injury, therefore there was nothing for the named employee to report to a supervisor. The subject’s property that was placed into evidence was held as part of the original theft incident; therefore, the handling of evidence was lawful & proper.</p>
<p>14-0087 The complainant alleged the named employee yelled “I told you to move.” The named employee then spun his horse around intentionally, causing the horse’s rear end to hit the subject in the face, causing physical injury. The complainant further alleges that the officer was discourteous for not apologizing and reportedly rode away.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none">1. Using Force: When Authorized – Lawful & Proper2. Use of Force Reporting & Investigation - Unfounded <p>The preponderance of evidence showed that the named employee’s actions and the use of his horse were lawful & proper. As the named employee was unaware that his horse had made contact with anyone, there was no reporting requirement.</p>
<p>14-0152 The complainant, a supervisor within the Department, alleged the named employee failed to activate the In-Car Video system.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none">1. In-Car Video/Policy – Training Referral <p>A Training Referral Finding will allow the named employee to review the policy with a supervisor.</p>



Case Summary	Case Finding
<p>14-0125</p> <p>The complainant alleged the named employee, who was working off-duty, pushed him and applied a wrist lock, causing pain. The complainant further alleged that the named employee failed to identify himself.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none">1. Professionalism-Courtesy – Unfounded2. Using Force: When Authorized - Lawful & Proper3. Use of Force Reporting & Investigation - Unfounded4. Secondary Employment/Secondary Permits - Lawful & Proper <p>The preponderance of evidence showed that the named employee did identify himself as an officer and was professional during the interaction. The named employee did not use a wrist lock on the complainant and there was no force to be reported. The secondary employment permit did expire on the day of the event but a new permit had already been signed by a supervisor.</p>
<p>14-0117</p> <p>The complainant, a supervisor within the Department, alleged the named employee used force resulting in a fracture of the subject's face that was inconsistent with the level of resistance from the subject. Also, review of the In-Car Video indicated that the named employee used profanity when addressing the subject. The subject alleged that another employee heckled him with comments.</p>	<p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none">1. Unnecessary Use of Force – Not Sustained (Inconclusive)2. Professionalism-Courtesy – Not Sustained (Training Referral) <p>Named Employee #2</p> <ol style="list-style-type: none">1. Professionalism-Courtesy – Not Sustained (Inconclusive) <p>The evidence showed that named employee #1 did use force on the subject but it was not clear as what action caused the injuries to the subject. A Not Sustained (Training Referral) finding will allow the named employee to review the policy with a supervisor. Listening to the audio, named employee #2 was not heard at the scene heckling the subject.</p>



Case Summary	Case Finding
<p>14-0096</p> <p>The complainant, a supervisor with the Department, alleged the named employees used unnecessary force when arresting the subject, causing serious facial injuries. It is also alleged that the named employees refused to identify themselves prior to the subject's arrest. It is further alleged that the named employees used poor discretion leading up to the arrest. Another allegation was added as the subject alleged he was never informed that he was being recorded by the transport officer.</p>	<p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none"> 1. Use of Force Reporting – Not Sustained (Lawful & Proper) <p>Named Employee #2</p> <ol style="list-style-type: none"> 1. Using Force: When Authorized – Not Sustained (Lawful & Proper) 2. Professionalism–Duty to Identify – Not Sustained (Unfounded) 3. Primary Investigations – Not Sustained (Unfounded) <p>Named Employee #3</p> <ol style="list-style-type: none"> 1. In-Car Video – Not Sustained (Unfounded) <p>Named Employee #4</p> <ol style="list-style-type: none"> 1. Using Force: When Authorized – Not Sustained (Lawful & Proper) 2. Professionalism–Duty to Identify – Not Sustained (Unfounded) 3. Primary Investigations – Not Sustained (Unfounded) <p>Named Employee #5</p> <ol style="list-style-type: none"> 1. Using Force: When Authorized – Not Sustained (Lawful & Proper) 2. Professionalism–Duty to Identify – Not Sustained (Unfounded) 3. Primary Investigations – Not Sustained (Unfounded) <p>The evidence showed that the subject was very upset at being forced to leave the venue but was properly trespassed by the named employees. The preponderance of evidence showed that when the subject tried to reenter the venue that alcohol consumption contributed to his actions and the named employees used force that was appropriate for the rapidly evolving encounter. The In-Car Video showed that the transport officer informed the subject that he was being recorded.</p>
<p>14-0113</p> <p>The complainant called on behalf of the subject and alleged the named employee, who was off-duty in his personal vehicle and in another jurisdiction, was stopped for speeding. It is further alleged that the named employee was rude during the interaction and after receiving his "Notice of Infraction" sped away aggressively, spraying road gravel.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1. Integrity-Misuse of Authority – Not Sustained (Unfounded) 2. Professionalism-Profanity – Not Sustained (Inconclusive) 3. Professionalism-Courtesy – Not Sustained (Inconclusive) <p>The evidence showed that the named employee identified himself as an armed officer only to not alarm the subject during the traffic stop. The evidence can neither prove nor disprove that the</p>



	named employee used profanity nor was discourteous during the interaction.
Case Summary	Case Finding
14-0176 The complainant alleged the named employees “discriminated against her,” stating the two people with her were “white” and did not get arrested. The complainant further alleged the named employees “grabber her arm aggressively.”	Allegations and Findings: Named Employee #1 1. Unbiased Policing/Policy – Not Sustained (Unfounded) 2. Use of Force: When Authorized – Not Sustained (Lawful & Proper) Named Employee #2 1. Unbiased Policing/Policy – Not Sustained (Unfounded) The preponderance of evidence did not support the allegation that the named employees were motivated by bias when they arrested the complainant. There is no evidence of any unnecessary or excessive force used by the named employees.
14-0116 The complainant, a supervisor within the Department, alleged that the named employee used a choke hold on the subject which conflicted with the force reported by the named employee.	Allegations and Findings: 1. Use of Force: When Authorized – Not Sustained (Lawful & Proper) 2. Use of Force Reporting & Investigation – Not Sustained (Lawful & Proper) 3. Primary Investigation – Not Sustained (Unfounded) The evidence shows that the named employee reported and documented the correct force used on the subject and that the force used was a proper technique and was not a choke hold.
14-0131 The complainant alleged that the named employee improperly cited her for blocking traffic although other drivers were doing the same. The complainant further alleged that it was because she was the only African-American driver of the three cars blocking the intersection.	Allegations and Findings: 1. Professionalism-Exercise of Discretion – Not Sustained (Lawful & Proper) 2. Unbiased Policing/Policy – Not Sustained (Unfounded) The preponderance of evidence does not support the allegation that the named employee was motivated by bias when he cited the complainant for a traffic violation. The evidence also supports the conclusion that the vehicle driven by the complainant was blocking the intersection and the named employee was correct in citing the complainant for the violation.



Case Summary	Case Finding
<p>14-0134</p> <p>The complainants alleged the named employee leaked a memorandum to the media that was published by the media. The complainants alleged that their names should have been redacted from the memorandums before being publicly disclosed.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none">1. Communication-Confidentiality – Not Sustained (Inconclusive) <p>An independent investigation concluded there was no evidence the OPA Director was ever in possession of the copy of the leaked memo prior to the Memo being published in the Seattle Times. Searches initiated by the City Attorney’s Office (CAO) and coordinated with the Seattle Police Department (SPD) did not reveal evidence that anyone made an unauthorized transmittal of the Memo using City of Seattle electronic equipment. The investigation further did not reveal that anyone from CAO, SPD, Personnel Department, the Mayor’s Office or the City Council leaked the Memo to unauthorized recipients, including to the Seattle Times. The independent investigator concluded that she was not able to establish who leaked the memo to the Seattle Times.</p>



Case Summary	Case Finding
<p>14-0070</p> <p>The complainant alleged that overtime earned by the named employees assigned to the Training Unit were paid for hours that they did not work. It is also alleged that the named employees changed their work schedule and hours in order to generate additional overtime pay.</p>	<p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors – Not Sustained (Management Action) 2. Integrity-Misuse of Authority – Not Sustained (Unfounded) <p>Named Employee #2</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors – Not Sustained (Management Action) <p>Named Employee #3:</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors – Not Sustained (Management Action) <p>Named Employee #4</p> <ol style="list-style-type: none"> 1. Department Mission Statement & Priorities – Not Sustained (Management Action) <p>Named Employee #5</p> <ol style="list-style-type: none"> 1. Responsibility of Supervisors – Not Sustained (Management Action) <p>No preponderance of evidence was found that would prove that any individual or group of ETS employees misused their position and authority to claim overtime for hours they did not work, or that work schedules were altered so employees could earn unnecessary overtime that could have been avoided. Clearly ETS supervisors failed to keep overtime spending within budget, did not have tight supervisory controls and did not keep accurate records. This contributed to the perception within SPD that individuals working in ETS earned overtime they would not have been paid had there been more rigorous management and oversight both by ETS supervisors and SPD command staff. However, because these issues appear to have been pervasive, with responsibility resting more with the Department than specific individuals, and because ETS had been directed to produce a high volume of draft curricula and deliver four days of training to over 1,200 sworn personnel without adequate staffing or budget, I have recommended that SPD as an organization be held accountable for this failure to control overtime spending.</p>
<p>14-0102</p> <p>The complainant, a supervisor within the Department, alleged that the named employee failed to take appropriate action when he failed to obtain pertinent information related to a “welfare check” call.</p>	<p>Allegations and Findings:</p> <ol style="list-style-type: none"> 1 Violation of Rules/Regs-Failure to Take Appropriate Action – Sustained <p>A preponderance of evidence showed that the named employee failed to take appropriate action when processing the “welfare check” call.</p> <p>Discipline imposed by the Chief: 5 days suspension without pay</p>



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Case Summary	Case Finding
<p>14-0103 The complainant, a supervisor within the Department, alleged the named employee failed to take appropriate action when he failed to obtain appropriate information regarding a DV call for service.</p>	<p>Allegations and Findings: 1. Violation of Rules/Regs-Failure to Take Appropriate Action – Sustained</p> <p>A preponderance of evidence showed that the named employee failed to take appropriate action when processing DV call for service.</p> <p>Discipline imposed by the Chief: 5 days suspension without pay</p>
<p>2014-0018 The complainant alleged the named employee did not properly investigate a street robbery and instead yelled at the complainant. The complainant further alleged the named employee stuck his tongue out at him and that action was witnessed by another named employee.</p>	<p>Allegations and Findings: Named Employee #1 1. Courtesy and Demeanor – Not Sustained (Unfounded) 2. Discretion and Authority – Not Sustained (Lawful & Proper) 3. Secondary Employment – Sustained Named Employee #2 1. Courtesy and Demeanor – Not Sustained (Unfounded)</p> <p>There was no video, witness testimony or other evidence to corroborate or refute the allegation that either named employee was discourteous. Named employee #1 did not take a robbery report as he was de-escalating a disturbance and was trying to get all parties to move away from the scene. A valid secondary work permit was not on file for named employee #1.</p> <p>Discipline imposed by the Chief: No prior disciplinary actions on record; Counseled by sergeant</p>



Definition of Findings:

“**Inconclusive**” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“**Lawful and Proper**” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“**Sustained**” means the allegation of misconduct is supported by a preponderance of the evidence.

“**Training Referral**” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“**Unfounded**” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“**Management Action**” means that, due to a deficiency in policy, training and/or supervision, no individual will be held accountable for an improper act and/or undesirable action.

Mediation Program

The OPA Director and Auditor did not select any cases during July through September to be resolved through the Mediation Program.

Cases Opened -2013/2014 by Month Comparison

Date	Supervisor Action		Investigation		Total	
	2013	2014	2013	2014	2013	2014
January	24	15	14	55	38	70
February	19	23	13	21	32	44
March	24	28	10	12	34	40
April	16	21	6	8	22	29
May	33	44	18	28	51	72
June	17	27	16	15	33	42
July	35	36	18	21	53	57
August	48	26	16	16	64	42
September	39	30	8	20	47	50
October	32		23		55	0
November	16		20		36	0
December	19		25		44	0
Totals	322	250	187	196	509	446

