



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2015-1002

Issued Date: 12/06/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.002 (6) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct (Policy that was issued 01/01/15)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The named employees were working in their assigned units.

## **COMPLAINT**

The complainant, a supervisor within the Department, alleged that the named employees failed to report misconduct of a Department supervisor when they were made aware that this supervisor was alleged to have improperly used her access to SPD databases to gain access to vehicle license plate information for other than official business. The named employees were first made aware of this possible misconduct on or about March 3, 2015, but did not report it until June 26th 2015.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint email
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The preponderance of the evidence supports a conclusion that the requirements of 5.002(6) applied to named employee #1 and that he did not comply with his obligation to refer the alleged misconduct to OPA. The information shared with named employee #1 by an outside source qualified as an allegation of misconduct which he was obligated to refer to OPA. It is without dispute that he did not make that referral for four months, a period of time inconsistent with the intent of 5.002(6) and at odds with the time limits placed on OPA investigations. However, in light of the fact that named employee #1 clearly acknowledged his responsibility to make a referral to OPA at the time, believed he had made the referral, and did so immediately upon discovering that OPA had not received a referral from him, this is an inadvertent and "technical" policy violation.

Although named employee #2 could presumably be considered to have been informed of the allegation by virtue of being copied on the email sent to named employee #1 by the outside source, there is no direct evidence to show that he read and comprehended the content of the email. In addition, by virtue of the fact that named employee #1 was the person to whom the email was sent and the fact that named employee #1's reply to the email (with a copy to named employee #2) included an acknowledgement of his obligation to report the allegation to OPA, named employee #2 could reasonably have assumed that named employee #1 would take action and refer the matter to OPA.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that named employee #1 believed that he had reported the misconduct at the time he received it and when he discovered that OPA did not receive the referral, immediately took steps to correct it. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct*.

**Required Training:** No further training is necessary as the named employee has already acknowledged the importance of immediately acting on this obligation in the future.

### **Named Employee #2**

#### Allegation #1

The evidence showed that named employee #2 reasonably assumed that named employee #1 would have taken care of the reporting requirement. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Must Otherwise Report Misconduct*.

*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.*