



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-1332

Issued Date: 05/25/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.170 (7) Alcohol and Substance Use: No Employee Shall Use or Possess any Controlled Substance, Except at the Direction of a Medical Authority (Policy that was issued November 21, 2012)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 12.050 (2) Criminal Justice Information Systems: Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee was involved in a disturbance that resulted in patrol units responding.

COMPLAINT

OPA received a complaint that the Named Employee may have engaged in assault involving a third party, which was declined by prosecutors. During OPA's intake of the administrative complaint, allegations were brought to OPA's attention that the Named Employee may be using his position to obtain criminal history record information for person use and was engaging in the use of illegal drugs.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The allegation was that the Named Employee committed an assault by pushing the subject in the chest hard enough to make him fall and/ or assaulting him later in the evening. One witness and the subject told responding officers about the push. However, the subject later told an SPD detective that he could not recall any such assault. The subject told the detective about being assaulted later in the evening after someone yelled a homophobic slur at him. The subject told the detective that he suspected the Named Employee may have been the one to call him a name and assault him, however the subject could offer no concrete reason for thinking so. The Named Employee told OPA that he did not recall pushing the subject, nor assaulting him at any time that evening. It should be noted that the available evidence strongly indicated that both the Named Employee and the subject were intoxicated at the time of this incident and may both have impaired memories as a result. Also of note was that the Seattle City Attorney declined to file charges in connection with this alleged assault due to a lack of proof.

The preponderance of the evidence from this investigation showed that the Named Employee used marijuana on more than one occasion during the time he was an SPD employee. The Named Employee admitted this to OPA and the subject also told OPA this was the case.

There was no evidence from this investigation that supported this allegation. The subject's name was run through SPD systems on the date of the incident by the responding SPD officers, not by the Named Employee, and no other evidence that the Named Employee had improperly run names was found.

FINDINGS

Named Employee #1

Allegation #1

There was not find a preponderance of evidence to either prove or disprove the allegation of assault. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

Allegation #2

A preponderance of the evidence showed that the Named Employee used marijuana on more than one occasion during the time he was an SPD employee. Therefore a **Sustained** finding was issued for *Alcohol and Substance Use: No Employee Shall Use or Possess any Controlled Substance, Except at the Direction of a Medical Authority*.

Discipline Imposed: Written Reprimand

Allegation #3

There was no evidence from this investigation that supported this allegation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Criminal Justice Information Systems: Inquiries Through ACCESS, or Any Other Criminal Justice Record System, Are Only to Be Made for Legitimate Law Enforcement Purposes*.

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.