



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 4, 2019

CASE NUMBER: 2018OPA-1182

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 6. Employees May Use Discretion	Sustained
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Allegation Removed
# 3	12.010 - Communications 2. The Responsibility for Taking Proper Actions in Any Situation Remains with the Individual Responding Field Units and Supervisors	Allegation Removed

Imposed Discipline

Terminated Prior to Proposed Discipline

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 violated multiple policies and provisions of his unit’s manual when he went to the scene of an incident that he identified during a call he had handled.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 6. Employees May Use Discretion

Named Employee #1 (NE#1) was formerly employed with SPD as a dispatcher. On December 4, 2018, NE#1 received a call from a crisis line indicating that they were speaking with a suicidal male who was armed with a gun and was threatening to kill himself. NE#1 created a CAD Call Log. He later updated the CAD with additional information, including that the male was in front of a bar in north Seattle and was armed with a shotgun. NE#1 also updated the CAD with the subject’s home and vehicle information. NE#1 continued to update the call. NE#1 spoke with three supervisors and asked if they should call the subject. The supervisors said that no contact by dispatchers was needed and that this had been handled with a Patrol Sergeant. NE#1 then left work for the day.

Shortly after leaving, NE#1 called the main line of the Communications Section, which was not recorded, and spoke with his supervisor. He asked the supervisor whether the suicidal subject had been found. The supervisor asked NE#1 why he was inquiring about this case after hours. NE#1 stated that he drove by the bar and saw the subject’s vehicle outside. NE#1 further observed the vehicle drive from the scene. The supervisor was aware that the bar was not on the way to NE#1’s home. After being questioned about this, NE#1 acknowledged that he drove out of his way to go to the location. He could not explain why. The supervisor told NE##1 to leave the area, that going to the scene



was outside of his job duties, and that engaging in this conduct also constituted a misuse of the confidential information that was available to him in his capacity as a dispatcher. The supervisor informed NE#1 that this matter would be reported to the unit manager.

The supervisor updated the CAD and added NE#1 as a witness. When the supervisor called NE#1 back on the recorded line, NE#1 stated that he was at home. The supervisor explained that, when NE#1 went to the scene, he made himself a witness to the incident instead of a call handler. The supervisor also told NE#1 that, if he had information concerning an incident, he needed to call the recorded number, not the main line.

NE#1's employment was ultimately terminated based on a number of factors. The unit manager further initiated this complaint with OPA. Accordingly, OPA initiated this investigation, in which it was alleged that NE#1 abused the discretion afforded to him as a dispatcher, as well as acted contrary to City, Department, and unit policies. As part of this investigation, OPA interviewed NE#1. He acknowledged that he went to the area where the subject was believed to be. He stated that he was curious why the police had not yet located the subject and went to the scene to see if the vehicle was still there. He then saw the vehicle and called his supervisor. He stated that he had no intent to interact with the subject, particularly because he knew that the subject was armed. NE#1 said that he was trying to help the subject. NE#1 told OPA that he did not know that dispatchers were not supposed to go to scenes that they learned about via calls they took. NE#1 stated that he did not know what rules, if any, he broke when he went to the scene. However, he acknowledged that his actions constituted a mistake.

OPA further interviewed the supervisor and an analyst from the Communications Section. The supervisor relayed information consistent with the above to OPA. The analyst informed OPA of the various policies and laws that NE#1's conduct potentially violated. She further provided OPA with Communications Section training materials.

As indicated in SPD Policy 5.001-POL-6, "[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment." This policy further states that "[t]he scope of discretion is proportional to the severity of the crime or public safety issue being addressed." (SPD Policy 5.001-POL-6.)

OPA finds, consistent with the determinations of NE#1's supervisors, that he made a poor decision when he went to the scene of a call that he had taken. In doing so, he acted contrary to both SPD policy and his unit's manual. He further placed himself in a compromising position and became a witness to a possible crime, which was well outside of his role. Moreover, he did all of this while using confidential information that he only had access to by virtue of his employment as a dispatcher. While NE#1 may have had good intentions, he acted inconsistent with his duties and responsibilities, as well as contrary to the expectations of his supervisors.

In summary, the actions described above were contrary to policy and, collectively, constituted an abuse of NE#1's discretion. For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #1 - Allegation #2

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

As discussed above, I find that NE#1's actions during this incident violated both SPD policies and portions of his unit's manual. However, I find that this conduct is already fully captured by Allegation #1. Accordingly, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #1 - Allegation #3

12.010 - Communications 2. The Responsibility for Taking Proper Actions in Any Situation Remains with the Individual Responding Field Units and Supervisors

Based on my review of this policy, I do not believe that it is applicable to the issues raised in this case. Moreover, even if it was, I would find it duplicative of Allegations #1 and #2. As such, I recommend that this allegation be removed.

Recommended Finding: **Allegation Removed**