



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1590

Issued Date: 01/12/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (VI.A13) Standards and Duties: Integrity – Misuse of Authority: Employees shall not use their position or authority for personal gain (Policy that was issued 08/15/2012)
OPA Finding	Sustained
Final Discipline	3 Day Suspension and Disciplinary Transfer

INCIDENT SYNOPSIS

The Named Employee took his personal vehicle to a repair shop.

COMPLAINT

The complainant alleged that just over 2 years ago the Named Employee made a partial payment for services and did not return to complete the payment. The complainant further alleged that, prior to contracting with the complainant to perform the services, the Named Employee came into his shop several times in uniform and on his SPD motorcycle. Also, it is alleged that the Named Employee was similarly in uniform and riding a SPD motorcycle when he made partial payment for the services, obtained the keys to his personal vehicle that had been serviced, and promised to pay the remainder of the bill.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant expressed two related concerns regarding his complaint. He contacted OPA because for over two years a Seattle Police Officer, the Named Employee, had owed him \$1,250 for mechanical work the complainant had performed on the Named Employee's personal vehicle. Shortly after OPA notified the Named Employee of the complainant's allegation against him, the complainant contacted OPA to say he had been paid by the Named Employee and wished to withdraw his complaint. As far as the complainant was concerned, he had accomplished his primary purpose which was to get the Named Employee to pay off his debt. The second element of the complainant's allegation was his experience that the Named Employee had used his position as a SPD officer to gain the complainant's trust in order to get preferential pricing and/or to not pay his bill in full.

Generally speaking, private civil or contract disputes involving persons who happen to be SPD employees are not a matter of jurisdictional concern for OPA or the Department. However, when a SPD employee creates a link between a transaction with a vendor and his or her employment with SPD, the Department has a legitimate interest in safeguarding its reputation and demanding the employee not use his or her position with the Department to gain some particular personal advantage or special consideration. The complainant expressed the belief the Named Employee was seeking special pricing by identifying himself as a SPD officer when he (the Named Employee) first called the complainant and later by showing up several times at the complainant's place of business in uniform on a police motorcycle. However, there is no evidence the Named Employee requested special pricing or other consideration when contracting the work with the complainant. The Named Employee did ask for special consideration when he came by the complainant's business at closing time and asked if the mechanical work had been completed. The Named Employee asked the complainant to accept partial payment for the work performed and to give him (the Named Employee) back the keys to the car before full payment had been made. As the complainant told OPA, it was highly unusual for someone providing skilled service work, such as an auto mechanic, to give the customer back his car until the bill was paid in full. The car was the mechanic's assurance the bill would be paid and his only collateral in case it was not. The unpaid amount of the bill was not an inconsequential amount and it was highly unusual for any business owner to give a customer back his keys with that large an unpaid bill.

The evidence showed a pattern of behavior in which the Named Employee drew the complainant's attention to his employment as a police officer, identifying himself to the complainant on the phone as an officer and showing up several times at the complainant's place of business in uniform on a police motorcycle. In light of this behavior, the Named Employee's request to get his vehicle back before he paid the whole bill was a use of his position as a SPD officer for personal gain.

FINDINGS

Named Employee #1

Allegation #1

The evidence supported that Named Employee #1 violated the policy. Therefore a **Sustained** finding was issued for *Standards and Duties: Integrity – Misuse of Authority: Employees shall not use their position or authority for personal gain.*

Discipline Imposed: 3 Day Suspension and Disciplinary Transfer

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.