



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 28, 2018

CASE NUMBER: 2017OPA-0482

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

| Allegation(s): |  | Director’s Findings |
|----------------|--|---------------------|
| # 1            | 5.001 Standards and Duties VII. Professionalism 11. Accountability | Sustained           |

**Imposed Discipline**

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| Discipline would have been imposed had the Named Employee still been employed by SPD |
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***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 is alleged that Named Employee #1 (NE#1), who is a former civilian employee of the Department, was aware that a terminated member of the Department was in possession of an illegal controlled substance and failed to report this possession to appropriate supervisory staff. Both NE#1 and the terminated employee were employed by the Department at the time of the allegation.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times***

SPD Policy 5.001-POL-9 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-9.)

NE#1 is no longer employed by the Department. When she was so employed, she was in a relationship with another SPD employee, who has since been terminated from the Department. In relation to the investigation that precipitated this other employee’s termination (OPA Case No. 2015OPA-1450), NE#1 was interviewed by OPA. During that interview, NE#1 informed OPA that she had been offered illegal drugs (ecstasy) by the terminated employee on a number of occasions.

NE#1 was interviewed again in relation to the instant case. During that second interview, NE#1 changed her statement, saying that she only discussed ecstasy with the terminated employee on one occasion. At her second interview, NE#1 further asserted that the terminated employee did not offer ecstasy to her, but only proposed the possibility that they use the drug together. It is unclear why the substance of NE#1’s statements changed between her two interviews. At both interviews, NE#1 indicated that she was not familiar with the policies governing employees’ responsibilities to report misconduct. However, ignorance of a policy is not an excuse for the failure to comply. Here, NE#1 had an obligation to report misconduct engaged in by another SPD employee to a supervisor.



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(See SPD Policy 5.002(6).) This is especially the case where the misconduct in question concerns the illegal possession of a controlled substance by a law enforcement officer. (See SPD Policy 5.170(7).)

NE#1's failure to report this clear misconduct by a Department employee was behavior that undermined public trust in the Department and its officers. Her conduct thus violated SPD's professionalism policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**