



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Numbers OPA#2014-0555, 2014-0656, 2015-0080

Issued Date: 08/07/2015

| Named Employee #1 |   |
|-------------------|---|
| Allegation #1     | <u>Seattle Police Department Manual</u> 5.001 (2) Employees Must Adhere to Laws and Department Policy (Policy that was issued 07/16/14) |
| OPA Finding       | <b>Sustained</b>  |
| Allegation #2     | <u>Seattle Police Department Manual</u> 5.001 (17) Employees Must Avoid Conflicts of Interest (Policy that was issued 07/16/14)         |
| OPA Finding       | <b>Not Sustained</b> (Unfounded)  |
| Allegation #3     | <u>Seattle Police Department Manual</u> 5.001 (9) - Professionalism (Policy that was issued 07/16/14)                                   |
| OPA Finding       | <b>Sustained</b>  |
| Allegation #4     | <u>Seattle Police Department Manual</u> 5.001 (10) Integrity and Ethics - Truthfulness (Policy that was issued 07/16/14)                |
| OPA Finding       | <b>Sustained</b>  |
| Allegation #5     | <u>Seattle Police Department Manual</u> 5.002 (11) Cooperation with Internal Investigations (Policy that was issued 07/16/14)           |
| OPA Finding       | <b>Sustained</b>  |
| Allegation #6     | <u>Seattle Police Department Manual</u> 16.090 (3) Employees Will Perform a System Check (Policy that was issued 11/21/12)              |
| OPA Finding       | <b>Sustained</b>  |

|                  |  |
|------------------|--|
| Allegation #7    | <u>Seattle Police Department Manual</u> 16.090 (4) Employees Will Record Enforcement-Related Activity Which Occurs Within Camera Range (Policy that was issued 11/21/12) |
| OPA Finding      | <b>Not Sustained</b> (Inconclusive)  |
| Allegation #8    | <u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey any Lawful Order Issued by a Superior Officer (Policy that was issued 07/16/14)                        |
| OPA Finding      | <b>Sustained</b>   |
| Allegation #9    | <u>Seattle Police Department Manual</u> 5.120 IV. Secondary Employment Permit (form 1.30) (Policy that was issued 03/19/14)  |
| OPA Finding      | <b>Sustained</b>   |
| Final Discipline | <b>Termination (under appeal)</b>  |

## **INCIDENT SYNOPSIS**

This closed case summary covers three separate OPA investigations.

In the first instance, the named employee reported to another law enforcement agency that his police equipment, including his firearm, was stolen during a car prowling outside of his home. The named employee later claimed to have found his equipment at his home. When a detective from the other law enforcement agency contacted the named employee for follow up, the named employee was uncooperative and evasive, told the detective that he had recovered his items, but did not disclose that a theft had not in fact occurred. Having concerns about this story, the other law enforcement agency notified the Seattle Police Department. OPA interviewed the named employee who made a number of inconsistent and contradictory statements about how his equipment went missing and how his equipment was recovered or found.

In the second instance, the named employee on multiple occasions did not perform the In-Car Video (ICV) systems checks as directed by his supervisor, despite receiving individualized training on how to use the ICV system. When the named employee was not able to get the equipment to work during law enforcement actions, the named employee just stopped using the In-Car Video system as required by policy.

The final instance occurred throughout 2014 where the named employee worked off-duty for at least two secondary employers but did not have any Secondary Employment Permits on file.

## **COMPLAINT**

In the first instance, the complainant, another law enforcement agency, alleged that after the named employee had made a police report about a theft, he was not fully cooperative with the agency's follow-up investigator and may have taken action himself to recover stolen property.

In the second instance, a supervisor within the department alleged that the named employee had not regularly been conducting In-Car Video (ICV) system checks or using the ICV to record law enforcement activity.

The final instance, a supervisor within the department alleged that the named employee did not have approved Secondary Employment Permit form(s) on file for his off-duty work.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint memos
2. Interviews of witnesses
3. Search for and review of all relevant records and other evidence
4. Review of any secondary employment permits on file with the department
5. Search for additional similar incidents
6. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

The named employee had several allegations of misconduct that were reviewed through three separate OPA investigations. A police officer's obligation is to be truthful, professional, and forthcoming. The named employee's decision to provide materially false and misleading information to another law enforcement agency that was investigating what they understood to be a crime is a fundamental violation of the named employee's role as a police officer. The named employee was dishonest in his interviews with OPA and was uncooperative with OPA's efforts to investigate the circumstances surrounding this incident. The failure to use ICV as instructed and to obtain secondary work permits shows a pattern of unwillingness to follow Department rules. These actions by the named employee violate the trust placed in him by the community he serves. The dishonesty, violation of law, and professionalism findings, are serious enough that each of these findings alone would merit termination of employment.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

The weight of the evidence showed that the named employee made false or misleading statements in violation of RCW 9A.76.175 to a public servant. By violating this state law, the named employee also violated Department policy. Therefore a **Sustained** finding was issued for *Employees Must Adhere to Laws and Department Policy*.

#### Allegation #2

Conflicts of interest arise when an officer is called to investigate someone with whom they have a personal relationship or on their own behalf. The evidence showed that the named employee did not investigate the theft, and in fact, that no theft occurred. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Must Avoid Conflicts of Interest*.

#### Allegation #3

The weight of the evidence showed that the named employee acted in an unprofessional manner that was not consistent with departmental expectations and undermined the confidence of the public in the department. Therefore a **Sustained** finding was issued for *Professionalism*.

#### Allegation #4

The weight of the evidence showed that the named employee was not truthful in all of his communications with the department or the other law enforcement agency. Therefore a **Sustained** finding was issued for *Integrity and Ethics -Truthfulness*.

#### Allegation #5

The weight of the evidence showed that the named employee was untruthful and uncooperative with the OPA investigations. Therefore a **Sustained** finding was issued for *Cooperation with Internal Investigations*.

#### Allegation #6

The weight of the evidence showed that the named employee did not perform ICV system checks as per departmental expectations and policies. The evidence also showed that there were no documented reports of malfunction of the ICV system installed in the vehicle assigned to the named employee for the shifts that he worked during the timeframe of the investigation. Therefore a **Sustained** finding was issued for *Employees Will Perform a System Check*.

#### Allegation #7

The evidence could not prove or disprove that the named employee purposefully did not record law enforcement actions. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Will Record Enforcement-Related Activity Which Occurs Within Camera Range*.

#### Allegation #8

The weight of the evidence showed that the named employee's supervisor conducted a performance counseling session with the named employee and directed the named employee to use the ICV system as required by Department Policy. The named employee did not follow this order from his supervisor during the month of October 2014. Therefore a **Sustained** finding was issued for *Employees Obey any Lawful Order Issued by a Superior Officer*.

#### Allegation #9

The weight of the evidence showed that there were no approved Secondary Employment Permit form(s) on file with the Department for 2014. Therefore a **Sustained** finding was issued for *Secondary Employment; IV Secondary Employment Permit*.

Discipline imposed: **Termination** (under appeal)

*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.*