



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 26, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0235

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy (ACCESS/WACIC Usage)	Sustained
Imposed Discipline		
Written Reprimand		

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 improperly used the ACCESS/WACIC system.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy (ACCESS/WACIC Usage)

OPA received a notification from the manager of SPD's Data Center concerning a potential violation of the ACCESS/WACIC terms of service by Named Employee #1 (NE#1). Specifically, it was alleged that NE#1 may have run the license plate for her personal vehicle from a South Precinct computer while on duty. OPA was provided with a screenshot that established that NE#1 made the data request and when she did so. OPA commenced this investigation.

OPA verified that NE#1 was ACCESS/WACIC certified and that, as part of that certification, she agreed to the following:

I understand that the ACCESS system is for official criminal justice purposes only. The ACCESS system may not be used for licensing or non-criminal justice employment purposes. I will comply with all policies and procedures that relate to my use of ACCESS. I further understand that I will not use the ACCESS system to obtain information, criminal or otherwise, for personal use, gain, or benefit. Misuse or neglect of the system could result in criminal prosecution and/or suspension of my authorization to operate an ACCESS terminal. I understand that all transactions which I perform on an ACCESS



terminal are recorded at the WSP and that printouts of those transactions may be requested by authorized personnel for review at any time.

OPA also verified that NE#1 ran the information from the South Precinct and when she was on duty.

As part of its investigation, OPA interviewed NE#1. She confirmed that she was ACCESS/WACIC certified and that, as part of the certification process, she agreed to the above requirements. She stated that she understood that she was not permitted to use ACCESS/WACIC for personal reasons. She told OPA that the license plate that she ran did belong to her personal vehicle and acknowledged that, given the evidence possessed by OPA, she did, in fact, run a search for her plate. She said that she did not have ill intent when she ran the plate and she speculated that she could have entered her plate as a mistake or as a near miss for another plate.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Included under the ambit of this policy is the mandate that the ACCESS/WACIC system only be used for official criminal justice purposes.

As indicated above, when NE#1 entered her personal vehicle's license plate into ACCESS/WACIC, she violated its terms of use. While NE#1's speculated that she could have mis-entered the plate, OPA finds it very unlikely that this occurred and that the plate she coincidentally happened to enter was her own. When applying a totality of the evidence standard, OPA finds it more likely that not that, instead, she entered her personal plate for a non-criminal justice purpose.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**