



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0493

Issued Date: 06/02/2016

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 07/16/2014)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 07/16/2014)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 5.002 (9) Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Will Report Certain Events (Policy that was issued 01/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee was involved in an incident while off-duty. It was reported to another law enforcement agency that a motorist had driven recklessly, intentionally ran a motorcyclist off the road into a barrier and left the scene of the property damage collision.

COMPLAINT

The complainant, another law enforcement agency, stated that the Named Employee was a suspect in their hit and run investigation. It was alleged that the Named Employee was not professional in response to the other law enforcement agency's efforts to contact him. It was further alleged that the Named Employee failed to notify his supervisor that he was the subject of a criminal investigation.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint phone call
2. Search for and review of all relevant records and other evidence
3. Interview of witnesses
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

Based on the investigation conducted by another law enforcement agency and the interviews conducted by OPA, the OPA Director was unable to find a preponderance of evidence to either prove or disprove that the Named Employee violated Washington State law during this incident. The Named Employee and two witnesses agree that the Named Employee used an obscene hand gesture to inform the motorcyclist of his (the Named Employee's) displeasure regarding the motorcyclist's driving. The Named Employee's behavior, as described by the other off-duty SPD officer who was in the car, was rude, unprofessional and served only to escalate and exacerbate the situation. It was completely unnecessary. Secondly, the Named Employee's failure to take reasonable steps to contact the other law enforcement agency following their two visits and multiple business cards left at the Named Employee's residence of record with the Department of Licensing was also unprofessional. Even if it is true that the Named Employee did not connect the business cards and the note to contact the other law enforcement agency with the previous incident involving the motorcyclist, as a police officer himself, the Named Employee had a professional obligation to try more than one time to get in touch and assist a fellow law enforcement officer. It is the other law enforcement officer's statements to OPA that the Named Employee's lack of response and unconcerned attitude when eventually contacted undermined the other law enforcement officer's opinion of the Named Employee and, potentially, other SPD officers by extension. The Named Employee did not report in writing to his supervisor that he was the subject of this criminal investigation. There is inconclusive evidence to prove or disprove that the Named Employee knew he was the subject of a criminal investigation prior to being contacted by his supervisor. When the Named Employee's supervisor contacted the Named Employee to tell him that the other law enforcement agency wanted to talk with him, it was then obvious to both the Named Employee and his supervisor that the Named Employee was the subject of a criminal investigation. This effectively satisfied the requirement that the Named Employee notify his supervisor of the investigation.

FINDINGS

Named Employee #1

Allegation #1

The evidence could not prove or disprove that the Named Employee violated Washington State law. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Must Adhere to Laws and Department Policy*.

Allegation #2

The weight of the evidence supports that the Named Employee was not professional and violated policy. Therefore a **Sustained** was issued for *Employees Shall Strive to be Professional at all Times*.

Allegation #3

The evidence that showed the Named Employee effectively notified his supervisor of the criminal investigation during their conversation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Responsibilities of Employees Concerning Complaints of Possible Misconduct: Employees Will Report Certain Events*.

Discipline imposed: Written Reprimand

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.