



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1866

Issued Date: 07/01/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (10) Employees Shall Be Truthful and Complete In All Communications (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (12) Employees Shall Not Use Their Position or Authority for Personal Gain (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was scheduled to be at work.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee repeatedly arrived late for work. The complainant further alleged the Named Employee abused sick time, and solicited a gratuity.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence

3. Interview of witnesses
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

The Named Employee was alleged to have been untruthful when he called in sick the day he sat for a written exam for another agency. The preponderance of the evidence from this investigation shows that the Named Employee called in sick for a shift that ended 30 minutes before the start of the exam. The same evidence shows that the Named Employee was admitted to the exam 30 minutes following the end of his scheduled shift. No evidence could be found to refute the Named Employee's assertion he was feeling sick when he notified his unit at SPD that he was taking a sick day. However, the credibility of the Named Employee was severely compromised by the fact that he lied to the OPA investigator during his interview. The Named Employee told the OPA investigator that he registered for the exam held on the day in question, but did not attend or take the exam. When later confronted by OPA with documentary evidence of his presence at the exam that day, the Named Employee admitted attending and taking at least part of the exam. A new allegation of dishonesty about this lie during an official investigation could not be brought against the Named Employee because he resigned from SPD ten days after OPA received this complaint. As a result, the Named Employee was no longer governed by SPD policy at the time of his OPA interview.

The Named Employee was alleged to have used his position as a SPD employee to obtain a discount on his apartment rent. The preponderance of the evidence from this investigation shows that the apartment building in question as a matter of routine policy offered a "public servant discount" to all SPD employees and that no *quid pro quo* was expected from those who received the discount.

FINDINGS

Named Employee #1

Allegation #1

The evidence could not prove or disprove the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Shall Be Truthful and Complete In All Communications*.

Allegation #2

There was no evidence to prove the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Not Use Their Position or Authority for Personal Gain*.

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.