



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0794

Issued Date: 01/12/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (10) Standards and Duties: Employees Shall Be Truthful and Complete In All Communication (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (14) Standards and Duties: Employees Obey any Lawful Order Issued by a Superior Officer (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 12.110 (A.2) Use of Departmental E-Mail & Internet Systems: Personal Use (Policy that was issued August 31, 2011)
OPA Finding	Not Sustained (Training Referral)
Allegation #4	<u>Seattle Police Department Manual</u> 12.110 (C) Use of Departmental E-Mail & Internet Systems: Internet Use (Policy that was issued August 31, 2011)
OPA Finding	Not Sustained (Training Referral)
Allegation #5	<u>Seattle Police Department Manual</u> 7.010 (1) Submitting Evidence: Employees Secure Collected Evidence (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Training Referral)

Allegation #6	<u>Seattle Police Department Manual</u> 7.010 (2) Submitting Evidence: Employees Document Evidence Collection (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was working as the Desk Clerk at a Precinct.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee was insubordinate and dishonest regarding his assignments and duties when working as the Desk Clerk, when he failed to properly record evidence and was seen on social media web sites during working hours.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee was dishonest in his verbal communications in the following ways:

1. The complainant alleged the Named Employee had been untruthful when he told her that a second officer (Officer #2) had been the one to interact with a person who dropped found property off at the Precinct and that Officer #2 told the Named Employee that he (Officer #2) would handle the paperwork for the property. The complainant based her conclusion of dishonesty on a conversation she and an Acting Sergeant had with Officer #2 later the same day in which Officer #2 denied having agreed to handle the found property. When OPA interviewed Officer #2, he did not recall having such a conversation. Officer #2 told OPA that, by the time he got back to the Precinct, the Acting Sergeant had already gone home. Officer #2 also told OPA he had said earlier to the Acting Sergeant on the phone that he was annoyed at being asked to handle the property because he had thought the Named Employee was going to do that.

2. The complainant alleged the Named Employee was dishonest when he told a third officer (Officer #3), who replaced him as Desk Clerk, that he (the Named Employee) would take care of handling a found wallet the next day. The complainant based her conclusion of dishonesty on her recollection of what Officer #3 told her and her own knowledge that the Named Employee had earlier in the same shift asked and received permission to take the next day off work. The Named Employee told OPA he had a conversation with Officer #3 about the wallet, but only about putting his (the Named Employee's) name on the wallet at the request of Officer #3. The Named Employee told OPA he had told Officer #3 he would take care of the wallet the next day, hoping to have heard back by then from the owner for whom the Named Employee had left a voicemail message. The Named Employee also told OPA he had received permission to take the following day off work. The Named Employee addressed the apparent contradiction about what he was going to do the next day by explaining he meant the next day at work.
3. The complainant alleged the Named Employee was dishonest when he (the Named Employee) told another Sergeant that he (the Named Employee) had taken care of the found property. According to a written statement from the other Sergeant, this statement was made during a conversation in the Precinct locker room right before the Named Employee went home. The complainant alleged that this statement was untrue because the Named Employee had not taken care of the wallet by placing it into evidence, but had instead left it in a desk drawer. The Named Employee told OPA he could not recall specifics about the locker room conversation with the other Sergeant, but he may have meant that he had taken care of the wallet by leaving a voice mail for the owner and waiting for a call back.

There was insufficient evidence to find that the Named Employee knowingly made false statements to the complainant, Officer #3, or the other Sergeant. There was enough imprecise use of language, differing memories and conflicting accounts to make it impossible to prove at either a clear and convincing level or even by a preponderance of the evidence.

The complainant alleged the Named Employee failed to follow her order to properly package and document the wallet and found property left at the Precinct front desk. The complainant said in her statement she gave this order through another officer (Officer #3) and specifically directed the Named Employee to take care of these items himself before he left work that day. The complainant alleged the Named Employee failed to follow this command. The preponderance of the evidence from the OPA investigation showed that Officer #3 did not relay this order to the Named Employee because he later saw that the wallet was gone from the desk and arrangements had been made to properly dispose of the found property.

There was no evidence from this investigation that the Named Employee used the SPD internet or electronic communications system for any prohibited purpose. Similarly, no evidence was discovered to support the allegation the Named Employee's personal use of the SPD system was excessive as judged by the expectations of his supervisors and the past practice of that Precinct. Nonetheless, the Named Employee should be reminded of his primary duty to perform

the tasks assigned to him and to limit his personal and non-work-related use of the SPD computer and internet system.

With respect to the found property dropped off at the Precinct front desk, the preponderance of the evidence was not conclusive regarding whose responsibility it was to handle the packaging and documentation of this property. The evidence was clear, however, that the Named Employee arranged for Officer #2 to handle the property, albeit without consulting directly with Officer #2. Regarding the found wallet that was turned in at the front desk, the Named Employee told OPA that he was taking steps to return the wallet to its owner. The Named Employee stated he intended to follow up on those efforts when he next worked. It is an accepted practice to make reasonable efforts to locate the owner of found property and arrange for its return before submitting an item into evidence as found property. The actions of the Named Employee were consistent with this practice. However, some evidence from this investigation suggested that the Named Employee's actions could have been seen as an effort to avoid work.

FINDINGS

Named Employee #1

Allegation #1

There was insufficient evidence to find that the Named Employee knowingly made false statements. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Be Truthful and Complete In All Communication*.

Allegation #2

There was no evidence that the Named Employee received the order from the complainant. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Obey any Lawful Order Issued by a Superior Officer*.

Allegation #3 and #4

The Named Employee should be reminded of his primary duty to perform the tasks assigned to him and to limit his personal and non-work-related use of the SPD computer and internet system. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Use of Departmental E-Mail & Internet Systems: Personal Use* and *Use of Departmental E-Mail & Internet Systems: Internet Use*.

Required Training: The Named Employee's supervisor should remind the Named Employee of his primary duty to perform the tasks assigned to him and to limit his personal and non-work-related use of the SPD computer and internet system. It should be made very clear to the Named Employee that his primary duty as Desk Clerk is to serve the members of the public who come to the precinct, and to provide support to his fellow officers in the field. These duties do not include non-work-related activities on the internet, regardless of whether this is done on a SPD or a personal internet device.

Allegation #5 and #6

The preponderance of the evidence showed the Named Employee would benefit from further training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Submitting Evidence: Employees Secure Collected Evidence* and *Submitting Evidence: Employees Document Evidence Collection*.

Required Training: The Named Employee's supervisor should have a direct conversation with the Named Employee regarding his duties and responsibilities when working as a Precinct Desk Clerk. This counseling should include specific instructions regarding the work to be done and the tasks to be accomplished by the Named Employee before ending his shift as a clerk.

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.