



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1889

Issued Date: 10/17/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (13) Standards and Duties: Retaliation is prohibited (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Training Referral)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee had an in-person interaction with the subject.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee discredited the Seattle Police Department (SPD) and himself as a SPD employee through a series of actions allegedly taken by the Named Employee in December 2015 and March 2016.

INVESTIGATION

The OPA investigation included the following actions:

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

ANALYSIS AND CONCLUSION

The preponderance of the evidence from this investigation shows a long-running and bitter enmity existed between the Named Employee and a member of the community (the subject). The roots of this appear to be based in a combination of political disputes from their mutual country of origin and recent disagreements over their roles in the local refugee community. The evidence, while not conclusive, points to actions by the Named Employee that upset the subject and may have been intentional on the part of the Named Employee as a means to goad and annoy the subject. The Named Employee should be clearly and sternly reminded of his obligation to avoid any behavior that might annoy, harass, or otherwise bother the subject or any other member of the community. This is his responsibility, both as a SPD employee and as a visible representative to the community.

The subject alleged the Named Employee sent an email to her employer as an act of retaliation for the OPA complaint she filed against the Named Employee. While the preponderance of the evidence is insufficient to either confirm or refute this allegation, the email sent by the Named Employee appeared to be a part of a long-running and bitter dispute between the Named Employee and the subject. The Named Employee appeared to bear some responsibility for this dispute and his actions clearly upset the subject. The Named Employee must be made to understand his obligation to avoid any such behavior as an ambassador for SPD.

The subject alleged that, on a particular date, the Named Employee drove his car in such a manner that he might have hit the subject and a companion who were on foot in a parking lot. The preponderance of the evidence from this investigation was not sufficient to either prove or disprove this allegation. There was an encounter on that date in a parking lot and the Named Employee was driving his personal vehicle in the area where the subject and her companion were standing. However it is not clear how fast the Named Employee was driving and if he was attempting to strike or threaten to strike either pedestrian.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

Required Training: The Named Employee's supervisor should sternly counsel the Named Employee in the clearest manner possible that he is to avoid any behavior or speech that might annoy or harass the subject. This counseling should include a clear reminder to the Named Employee that his position as a SPD liaison requires him at all times to represent the interests of SPD and not his political or personal disputes, opinions or rivalries.

Allegation #2

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Standards and Duties: Retaliation is prohibited*.

Required Training: See Required Training, above, for Allegation #1.

Allegation #3

There was no preponderance of the evidence to either confirm or refute the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

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.