



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0607

Issued Date: 03/04/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (10) Employees Shall Be Truthful and Complete In All Communication (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	10 day suspension, disciplinary transfer and re-training on supervisor responsibilities (under appeal)

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #5	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #6	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (14) Employees Obey Any Lawful Order Issued by a Superior Officer (Policy that was issued 04/01/15)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

The named supervisor and employees were tasked with duties associated with May Day events. All of the patrol supervisors assigned to the event were sent an email requiring the attendance of their squads to an early roll-call on the day of the event. The named supervisor and employees were not working on the day that the email was sent out. The named supervisor indicated that he and the named employees may not be able to attend the early roll-call as the email had been received during the two days that they had been off work.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the named supervisor and employees failed to report for duty as ordered by a superior officer. All of the named employees are assigned to the named supervisor. Furthermore, the named supervisor did not log into service until 6:44 p.m., yet turned in an overtime slip indicating a start time of 6:00 p.m. The named supervisor also reportedly ignored his supervisor's order to get his employees into service immediately.

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 evidence showed that the named employees were one of several work units who were activated for May Day events on relatively short notice. The named employees were the only work unit who were not on duty as required. The named supervisor communicated with his supervisor concerning the early reporting time and the availability of his subordinates. The named supervisor did not respond to a superior's command to immediately report to their post after having arrived late to the roll-call.

FINDINGS

Named Employee #1

Allegation #1

The weight of the evidence showed that the named employee was insubordinate. Therefore a **Sustained** finding was issued for *Employees Obey Any Lawful Order Issued by a Superior Officer*.

Discipline imposed: 10 day suspension, disciplinary transfer and re-training on supervisor responsibilities (under appeal)

Allegation #2

The evidence could not support or refute that the named employee was untruthful. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Shall Be Truthful and Complete In All Communication*.

Named Employee #2 - 6

Allegation #1

The evidence showed that the named employees #2 - 6 were the subordinate officers working for named employee #1 and had been told by named employee #1 that they had permission not to show up to the early roll-call. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Employees Obey Any Lawful Order Issued by a Superior Officer*.

Required Training for Named Employees #2 – 6: These employees should be given specific guidance concerning their obligations to comply with Department Orders, especially orders from SPOC to report for duty as part of a Department-wide mobilization, including what specific steps they must take if they are unable to comply with the order.

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.