



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0045

Issued Date: 08/03/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Employees Must Adhere to Laws, City Policies and Department Policies (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.120 (II.I) Secondary Employment: Responsibilities – Requirement to be equipped with a radio and to log in when working off-duty assignments (Policy that was issued 03/19/2014)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (9) Employees Shall Strive to be Professional at all Times (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #4	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued 04/01/2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee was working off-duty.

## **COMPLAINT**

The complainant alleged that the Named Employee while engaged in secondary employment, is stalking him and his wife.

## **INVESTIGATION**

The OPA investigation included the following actions:

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

## **ANALYSIS AND CONCLUSION**

The complainant alleged the Named Employee was stalking his wife by following her and parking near her employment site for the purpose of surveillance and harassment. This case was first referred for criminal investigation and review, after which the Prosecutor reviewed the case and declined prosecution. OPA then conducted an administrative investigation to determine whether or not the preponderance of the evidence either supported or refuted the allegation the Named Employee had committed the crime of stalking. As was pointed out by the Prosecutor in the Declination Notice, there is only evidence in one instance that shows the Named Employee was present near a home at which the complainant's wife was working. The other instances of alleged following or surveilling were not supported by evidence other than the complainant's observations of vehicles similar to the one driven by the Named Employee and an unclear photograph of a vehicle some distance away. In addition, the Named Employee also works as a security guard for the same neighborhood in which the complainant's wife cleans houses. Both the Named Employee and the complainant's wife have legitimate business in the area. Neither the complainant nor the OPA investigation were able to produce concrete evidence of more than one instance in which the Named Employee was near the complainant's wife.

While there was no specific allegation by the complainant that the Named Employee misused her discretionary authority in connection with her alleged actions in relation to the complainant or his wife, implied in the allegations made by the complainant was the assertion that the Named Employee was using the location and duties of her off-duty job to facilitate the alleged stalking of the complainant's wife. The preponderance of the evidence does not support the allegation of stalking. As a result, the evidence also does not support the allegation the Named Employee misused her discretion.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The preponderance of the evidence does not support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Must Adhere to Laws, City Policies and Department Policies*.

#### Allegation #2

The preponderance of the evidence does not support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Secondary Employment: Responsibilities – Requirement to be equipped with a radio and to log in when working off-duty assignments*.

#### Allegation #3

The preponderance of the evidence does not support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Employees Shall Strive to be Professional at all Times*.

#### Allegation #4

The preponderance of the evidence does not support the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees May Use Discretion*.

*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.*